K-2

ILRE Lessons

- **Did You Know?**
- **Fair or Unfair: How Can We Tell?**
- **Iktomi and the Buffalo Skull**
- **Quail's Song: A Pueblo Indian Tale**
- **Understanding School Rules**
- **Where Do We Draw the Line?**

✹ DID YOU KNOW? ✹

Introduction

This lesson is designed as an introduction to an Indian LRE unit. It is an interactive lesson that begins to build an awareness of Indian peoples within the state of Montana.

ILRE Themes

Responsibility, Authority, Justice, Environment, Spirituality

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

K-2

Objectives

- To increase understanding of American Indian peoples as indigenous nations of North America;
- To demonstrate knowledge of Montana's Indian tribes through sharing of information;
- To become aware of the unique relationship between Indian tribes and state and federal governments;
- To practice interactive learning.

Time Needed

20-30 minutes

Materials Needed

Fact sheet (Handout 1)

Index cards with facts written on them (or sentence strips)

Procedure

1. Begin with a brief introduction to the topic of Indian Law. Perhaps create a list of what is already known.
2. Distribute index cards, one to each student.
3. Explain that each person is to exchange facts with as many people as possible within the given time frame.
4. After the alloted time has expired, question the group over facts contained on the cards.

Debrief

Discuss the following questions:

What did you learn that you didn't already know?

How did this exercise help you learn new information?

EACH ONE TEACH ONE FACT SHEET (K-2)

A reservation is the homeland or legally-owned land of a nation.

There are seven (7) Indian reservations in Montana.

Scientists have divided American Indian tribes into twelve (12) culture groups.

Before contact with Europeans, there were 200-300 Indian languages being spoken in North America.

There are eleven (11) federally-recognized tribes in Montana.

Indians gather for celebrations called pow wows.

A clan is a group of families that are related.

A tribe is a group of clans.

Besides attending school, Indian children learn from listening to stories told by tribal storytellers.

Elders teach about tribal ways.

Indian tribes have their own governments and laws.

✹ FAIR OR UNFAIR: HOW CAN WE TELL? ✹

Introduction

All people need to learn to judge if a rule or event is fair not just by our feelings, but also by the facts and the fairness to others. Young children especially require guidance in acquiring the skills to make valid judgments of fairness. This lesson uses folklore to demonstrate the issue of judging fairness.

ILRE Themes

Justice

Concepts

Fairness, consequences

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Interdependence

Grade Levels

K - 2

Objectives

- To become acquainted with the concept of justice/fairness;
- To identify possible consequences of unfairness;
- To apply the concept of fairness to a series of typical incidents in a young student's life.

Time Needed

30-40 minutes

Materials Needed

Story booklets: Napi and the Bullberries

Iktomi and the Buffalo Skull (adapted by Minerva Allen)

The Crow

NOTE: These booklets are from the Indian Reading Series: Northwest Regional Educational Laboratory. Portland, OR.

Drawing paper and crayons or markers

Procedure

1. Read aloud Napi and the Bullberries.
2. Have the students discuss, "What was fair in this story? What was unfair in this story? Why? What happened to the character(s) who was wronged?"

3. Have the students discuss what happened (consequences) to the character(s) who was unfair, and what they might have done instead that might have been more fair.

4. Read one of the other stories.

5. Have each student draw a picture of one example from this story which shows fairness or unfairness. Ask for volunteers to share and explain their pictures, or assign students to groups which will role-play one example.

Debrief

Brainstorm examples of unfair incidents (using no names) the students may have seen or experienced. Choose two or three and discuss why they were unfair, what consequences there were, and what actions might have been more fair.

NOTE: *There are multiple stories of the trickster animals in American Indian folklore. Teachers can adapt from other resources if these stories are not available.*

Iktomi and the Buffalo Skull

Introduction

Trickster beings appear frequently in the lore of most American Indian tribes, sometimes as a spider, a coyote, or a being without definition. He has awesome powers that, among other things, allow him to change shape, grow new body parts, and come back to life. At the same time, he is both wily and stupid, serious and funny, feared and respected, liked and disliked. The trickster often gets caught up in his own tricks and is left facing the consequences of his own tricks. His reputation of trickery precedes him, causing others to distrust him. Iktomi is the name of one such trickster. In this story, Iktomi is both a trickster and the victim of his own trick. His reputation for not being trustworthy and his hasty action cause problems both for the mice and for himself.

ILRE Themes

Justice, Responsibility

Concepts

Cause and Effect, Consequences, Reputation, Justice, Trust

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Citizenship, Interdependence, Spirituality

Grade Level

1-4 (adaptable for 5-6)

Objectives

- To understand cause and effect relationships to apply to wise decision making;
- To practice predicting natural consequences;
- To accept that the consequences of our decisions can affect other citizensine reputation, how it's developed and its effect.

Time Needed

One or two class periods

Materials Needed

- Story about Iktomi and the buffalo skull
- Butcher paper, m@}arkers and tape
- Drawing paper and crayons

Procedure

1. Help students explore cause/effect relationships by having them complete sentences such as: "When I touch a hot stove, I _____." "If I don't brush my teeth every day, I might _____." "If I throw a rock and break a window, I will _____." Explain that the answers they gave are the effects or consequences of doing or **not** doing an action. The action itself is the cause. Now reverse the sentences so you say the effect and the students fill in the cause (i.e., "I might get cavities if I _____.").

2. Instruct the students to try to remember all the things that happen to the characters in the story you're about to tell. Let them know that the characters will be some mice, Iktomi (the trickster) and

a rock. Tell the story about Iktomi and the buffalo skull. (NOTE: You may need to tell the story again sometime during the lesson as a reminder of the incidents and results.)

3. Divide a long piece of butcher paper into three sections. Title the sections "Cause," "Effects," "Character Affected." Ask the students what things happened (the effects) in the story, who each thing happened to (the character affected), and why each thing happened (the cause). As they respond, write the responses in the appropriate place on the chart.

4. Using the chart, ask students which effects were negative (not good or unpleasant). Why did they happen? Who was responsible? How could they have been avoided? Stress that part of being good citizens is thinking about how we might affect other people and things when we make decisions. Did Iktomi deserve his consequences? Why or why not?

5. Write the word "reputation" on the board. Ask the following or similar questions: "If a classmate almost daily borrows a pencil, but almost never returns it, will you continue to lend her pencils? Why or why not? Do you think other students would lend her one if they knew she didn't usually return them? Why or why not? If one of your classmates almost always knows the correct answer to math problems and is good at helping other students with math, would you want that student to help you with a math problem? Why or why not?" Explain that when someone becomes known for doing certain things over and over, they have a reputation. Other people hear about that reputation and usually think about the person's reputation when they think about the person. For example, "Gloria never laughs at people when they make a mistake, so I would feel comfortable working with her on my assignment," or, "Sam is always trying to trip people when we play soccer, so I don't want to play soccer when he's playing."

6. Discuss Iktomi's reputation with the class. Did it have anything to do with what happened in the story? What? What clue do you have Iktomi had a poor reputation? (The mice ran away when they saw who he was.) Do you think his reputation will be better or worse after the things that happened in the story?

7. Distribute drawing paper to the class. Have them each draw a picture showing what they think the mice did after they ran away. Display the drawings and discuss their ideas and why they thought them.

Debrief

Ask the students to think of a time when they made a decision that caused someone else a problem (i.e., went to a friend's house without permission and worried my parents; got mad and kicked a ball and it hit another student). As they share the situations, have them tell why they made the decision and what they think they should do next time. Can they think of any **famous** people who have good reputations? Who? Can they think of any **famous** people who have poor reputations? Who? How do they think Iktomi would get along as a student in their classroom? Why?

Extension Activities

1. In the story, Iktomi refers to the mice as "brothers" and to the rock as "Grandfather." These are terms of respect and reflect the interconnectedness of all people and all life to the "Earth Mother." Brainstorm other terms of respect familiar to the students from their own lives, other stories and books, news, government, military, etc. Discuss why we use these terms of respect, how we might earn them, and what we need to do to keep them.

2. Share other trickster stories. They can be found in many fine collections of Indian lore, and can be used as part of a study of each tribe, or to compare and contrast the stories themselves and their citizenship lessons.

Iktomi and the Buffalo Skill

One night Iktomi was going round when he heard singing and shouting and dancing somewhere close. When he stopped to listen, he suddenly felt a powerful desire to dance, too. So strong was this desire that the bottoms of his feet itched, and he began to search for the source of the sounds. As he was looking and listening, the sounds of dancing and singing seemed to become louder. Finally he decided that the sounds were coming from a dried buffalo skull lying near the path. He discovered that it was brightly lit inside.

Peeking in through an eye socket, Iktomi saw that the mice were holding a great dance. He knocked on a small door and called out, "My little brothers, take pity on me and let me enter. I want to dance, too." "Aw, let's open for big brother!" they said and opened the back door for him. He pushed his head inside, but could go no further. Then someone shouted, "Look out! It's Ikto!" and the mice ran out and soon disappeared into the darkness. Ikto sat down with the skull on his head and began to weep. He sat by the road, and whenever he heard someone going by he wept loudly; and when they went on past, then he wept in a low voice.

He ran to a rock and said, "Grandfather, knock this loose from me." So the rock said, "Very well. Swing your head this way." Ikto swung his head so forcefully toward the rock that he shattered the skull to pieces and bruised his head in the bargain. He was dizzy for days and went around feeling sick, they say.

Note: This is one version of this story. Other similar versions can be found in various collections of Indian lore.

✹ QUAIL'S SONG: A PUEBLO INDIAN TALE ✹

Introduction

The focus of this lesson is on the importance of respecting the property of others, a principle common to most peoples and cultures. This is an example of how traditions often become so necessary that they are written as laws.

ILRE Themes

Privacy, Justice

Concepts

Property rights, stealing, consequences

Social Studies Themes

Cultural Heritage, Tradition and Change, Social Contracts, Political/Economic

Grade Level

K - 2

Objectives

- To emphasize the importance of not taking others' property;
- To explore how people feel when their privacy is invaded;
- To introduce the concept that ideas are possessions.

Materials

Book: Quail's Song: A Pueblo Indian Tale (Adapted by Valerie Scho Carey)

Procedure

1. Read the story to the class.
2. Discuss the story with the students, emphasizing the following questions:
   - What happened (consequence) to Coyote for trying to steal Quail's song?
   - Was Quail justified in fooling Coyote for trying to steal her song? Why?
3. Have students brainstorm in groups of three or four:
   - What are some things belonging to others that people sometimes take without permission?
4. Using the list generated by the students, help the class write a rule about taking another's possessions without permission. (Examples: "Always ask and receive permission before taking your neighbor's ___." "Don't take another's _____ without asking."

5. Ask students to draw a picture of a “don’t.” Assist the students with writing the rule on the picture.

6. Display and discuss the “don'ts.”

Debrief

Provide a chart for students to mark a smiley face each time they hear a student (including themselves) ask permission to use another student’s possession. This can continue throughout the school year.

Extension Activity

Read Goldilocks and the Three Bears to the class. Discuss “invading one’s privacy.” Have some students role-play how Goldilocks should have acted (knocking on the door—coming back later when she found no one was home). Have other students role-play how the bears felt when they came home. An interesting addition might be to have the students and the teacher role-play how she/he would feel if someone was in her/his desk, locker, room, etc.

UNDERSTANDING SCHOOL RULES

Introduction

We all find rules easier to follow when we understand why they're needed, who made them, what might be the consequences for breaking them, and why they work or don't work. Children encounter many such rules when they attend school, and sometimes those rules are in conflict with rules at home. This lesson helps very young students understand the importance of knowing and obeying the rules in their own school.

ILRE Themes

Responsibility, Authority, Justice

Concepts

Rules, consequences, minor, Board of Trustees, truancy, neglect, discipline, punishment, safety, obedience

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

K - 2 (Extension Activities are appropriate for older students, too)

Objectives

- To identify the laws and rules of the school, why they are needed, and possible consequences for breaking them;
- To learn about the school's authorities and their duties;
- To become familiar with several new terms (concepts).

Time Needed

Three 30-minute periods at the beginning of the school year

Materials Needed

Book: Every Kid's Guide to Laws That Relate to School and Work by Joy Berry

Your school's student handbook

CRP(s): Preferably an administrator and a trustee

Procedure

Day One

1. Read aloud pages 3-27 from the book; these will support the rules in the student handbook. You will want to make sure your school rules agree.

2. Place the students in groups, one led by the CRP and one by the teacher, to discuss several rules, why each is to be obeyed and the consequences if it is not.

3. Assign a different rule to each student. Instruct them to each make a drawing of their own rule being obeyed or broken (pictures from the book will stimulate ideas). Put them together in book form so the class has its own rule book.

Day Two

1. Reread page 11 from the book. With a trustee present, have the students discuss what they know about the Board of Trustees and its function. The CRP can clarify points and add new ones.

2. Discuss a few of the rules and laws that trustees, administrators and teachers must follow, why they're needed, and some possible consequences of breaking them.

3. Assign: Each student will interview a family member or other older person to learn differences in school rules when they attended school and today's school.

Day Three

1. Ask each student to share orally what they learned in their interview. (Older students could write a paragraph about their findings.)

2. Have each student (or the class together) write a thank you note to each CRP.

Debrief

Have the students discuss:

Which rule(s) do you think will be easiest to follow?

Which will be hardest?

Do parents have to follow rules and laws too?

Extension Activities

1. Introduce the history of Indian Boarding Schools. A good resource is From Boarding Schools to Self-Determination (see bibliography). Another resource is Where the Spirit Lives, a movie filmed by the Canadian government which chronicles early boarding school times.

2. Hold an open house for parents during which each student explains his/her pictured rule. Conclude the event by having a class representative present the class' rule book to the school library.

Carvings and Graffiti: Vandalism, Art or Tradition?

Introduction

This lesson explores the controversy over whether graffiti on public or private property should be considered a form of art (sometimes with a religious purpose) or a form of vandalism. The U.S. Constitution protects genuine art as free expression, but also protects privacy and property from violation. Through an examination of symbols from several historical periods, various cultures, and their own environment, students will practice determining the differences between graffiti art and vandalism. At the same time, they will practice viewing ideas and events through different perspectives.

ILRE Themes

Authority, Environment, Justice, Responsibility, Spirituality

Concepts

Vandalism, Tradition, Freedom of Expression, Property Rights

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Citizenship, Political/Economic, Technology, Interdependence

Grade Levels

K-2 (Adaptations for 3-5, 6-8 and 9-12 are also available)

Objectives

- To explore uses of symbols in various societies;
- To learn to differentiate between carving and graffiti-type art (free expression and vandalism;
- To recognize that responsibilities of citizenship must often take precedence over personal whims;
- To consider appropriate alternatives to vandalism;
- To experience decision making by groups.

Time Needed

One to two class periods

Materials Needed

- Book: And Still the Turtle Watched by Sheila MacGill-Callahan
- Pictures, slides, posters of hieroglyphs, petroglyphs, other symbols from many cultures (crosses, Star of David, swastika, military symbols, school mascots, cave paintings, tipi decorations, business logos, trademarks, etc.)
- CRP: suggest a tribal historian to discuss tribal symbols, school principal to discuss rules and laws against defacing school property, why the rules are needed and the possible consequences of breaking them
- Butcher paper, markers, drawing paper, crayons, tape
- Four symbol pictures (cut into correct number of puzzle pieces to create four equal groups)

Procedure

Phase 1

1. Show pictures of cave painting, petroglyphs, cultural symbols to class, explaining briefly what historians think they meant to the people who used them. Be sure to make the point that symbols are frequently used as a type of code, means of communication or part of a ritual.

2. Write the word "graffiti" on the board and explain the definition (graffiti is writing or drawing on a surface such as a wall or a rock). Ask the students to give examples of graffiti that they've seen. What kind of carved graffiti have they seen? List these examples on a piece of butcher paper. Write the word "vandalism" on the board and explain the definition (vandalism is destroying or ruining the appearance of public or private property). Ask the students which of their examples of graffiti might be considered vandalism. Circle those. Discuss as a group why they chose those examples as vandalism. Keep the lists for a later activity.

3. Stress that, while vandalism is against the law, and graffiti can be one kind of vandalism, graffiti can also be considered a kind of folk art. Some communities set aside fences or walls for "legal graffiti," and some hire artists to draw, paint or carve murals or symbols on certain properties. Because these artists have permission, the graffiti they put on these surfaces is not illegal. What types of "legal graffiti" have your students seen? Take a tour of your school looking for examples of graffiti and/or vandalism. The janitor is a great resource for this, and might be willing to guide the class to some examples and relate to them how his/her job is harder when there is graffiti to remove or damage to repair.

4. Divide the class into four groups by handing each student a puzzle piece and instructing them to find the other people who can make their symbol complete. *Note:* Be sure to have exactly the right number of pieces to complete all puzzles and include all students. In case of absences, be prepared by having extra puzzles cut into 3, 4 or 5 pieces or you can fill in the missing piece.

5. Give each student a piece of drawing paper. Instruct them to create a symbol or group of symbols that means something and that a stranger could understand. (You might show as examples a "No Smoking" sign or a hand with the finger pointing.) When all students are finished, have each student share his/her symbol and what it means with the other members of the group, but not with the class.

6. Instruct each group to choose one of their symbols to present to the whole class. This symbol now becomes the property of the group, not just the artist. (All pictures will be displayed later.) Allow the artist to make a copy of their pictures while the rest of the students help you hand their picture for display. While the artist of the chosen picture in each group holds the artwork, the other group members should explain its meaning to the class. When all groups have finished sharing their symbol, have them trade theirs with another group.

7. Instruct each group to deface the picture they have now. Hold up the damaged pictures; ask how each person felt about having their group's property damaged; how did the artists feel? Display the copies of the artists' pictures with those of the rest of the class.

8. Explain (or have the principal explain) that the school building and all the desks, chairs, etc., in it belong to a group called taxpayers, and their parents are members of that group. Who's property are we damaging when we write on things belonging to the school? How would that make their parents feel?

Debrief

Ask students to respond to the following questions: Do you need to add to the list of graffiti you made earlier? Do you agree with your earlier choices of vandalism on the list? Is graffiti a problem in this school? Can you think of some way to keep people from defacing school property? Can you think of something that might be "legal graffiti" in the school? What?

Phase 2

1. Review the definitions of "graffiti" and "vandalism."
2. Read aloud the book And Still the Turtle Watches be Sheila MacGill-Callahan. Do not show the pictures this time. Be sure to practice so you can almost tell the story!
3. In the story, humans make several changes to a large rock. As you read the story again, showing and explaining the illustrations, ask the students to imagine that they are members of the Delaware Indian Tribe who originally lived on the land where the rock was found. Remind them that the Delaware believed that the plants, animals and even rocks were just as important as humans and should always be treated with respect.
4. As a class, discuss "Should the old man's carving of the sacred turtle be considered as vandalism or as 'legal graffiti?' Why?"
5. As a class, discuss "Should the boys' spray painting of graffiti on the turtle rock be considered as vandalism or as 'legal graffiti?' Why?"
6. Have the students pair off and, as partners, share with each other what they believe the Delaware Indians should think or feel if they read the story. Ask for one student from each to report their discussion to the class.

Debrief

Have students respond to the following questions: "Do you think the man who found the turtle rock did the right thing when he took it away to be cleaned? Why? Do you think he did the right thing when he put it on display in the public gardens for many people to see? Why? What do you believe the Delaware Indians think about having it on display instead of where it was when the old man carved it? Why?"

Extension Activity

Have the class design a mural using symbols. Then have them choose a delegation to request permission from the principal to either recreate the mural on the sidewalk with chalk or on the snow with spray bottles filled with water and food coloring. You might want to enlist the help of the art teacher, and don't forget to have the students dress in old clothes for the project it it's approved! This becomes "legal graffiti."

3-5

ILRE Lessons

- **Did You Know?**
- **The Rough-Face Girl/**
  The Legend of Scarface
- **Sharing Responsibility**
- **Where Do We Draw the Line?**

✹ DID YOU KNOW? ✹

Introduction

This lesson is designed as an introduction to an Indian LRE unit. It is an interactive lesson that begins to build an awareness of Indian peoples within the state of Montana.

ILRE Themes

Responsibility, Authority, Justice, Environment, Spirituality

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

3-5

Objectives

- To increase understanding of American Indian peoples as indigenous nations of North America;
- To demonstrate knowledge of Montana's Indian tribes through sharing of information;
- To become aware of the unique relationship between Indian tribes and state and federal governments;
- To practice interactive learning.

Time Needed

20-30 minutes

Materials Needed

Fact sheet (Handout 1)

Index cards with facts written on them (or sentence strips)

Procedure

1. Begin with a brief introduction to the topic of Indian Law. Perhaps create a list of what is already known.
2. Distribute index cards, one to each student.
3. Explain that each person is to exchange facts with as many people as possible within the given time frame.
4. After the alloted time has expired, question the group about facts contained on the cards.

Debrief

Discuss the following questions:

What did you learn that you didn't already know?

How did this exercise help you learn new information?

EACH ONE TEACH ONE FACT SHEET (K-2)

A reservation is the homeland or legally-owned land of a nation.

There are seven (7) Indian reservations in Montana.

Scientists have divided American Indian tribes into twelve (12) culture groups.

Before contact with Europeans, there were 200-300 Indian languages being spoken in North America.

There are eleven (11) federally-recognized tribes in Montana.

Indians gather for celebrations called pow wows.

A clan is a group of families that are related.

A tribe is a group of clans.

Besides attending school, Indian children learn from listening to stories told by tribal storytellers.

Elders teach about tribal ways.

Indian tribes have their own governments and laws.

THE ROUGH-FACE GIRL / THE LEGEND OF SCARFACE

Introduction

This lesson considers the way individuals and society treat persons with disabilities and/or disfigurements, in other words, those who look "different." A literature/folklore-based lesson, it focusses on looking inside the person and the concepts of kindness, honesty and fairness.

ILRE Themes

Responsibility, Justice, Spirituality

Concepts

Fairness, honesty, integrity, discrimination, equal opportunity

Social Studies Themes

Cultural Heritage, Social History, Social Contracts, Interdependence

Grade Levels

3 - 5

Objectives

- To relate the events of traditional stories to the real events of daily life;
- To explore the practical and emotional impact of our treatment of others;
- To become familiar with laws and programs dealing with persons with disabilities;
- To apply critical thinking skills to the concepts of fairness and honesty;
- To practice participation skills through role-play.

Time Needed

Two class periods

Materials Needed

Books: The Rough-Face Girl by Rafe Martin

The Legend of Scarface: A Blackfeet Indian Tale by Robert San Souci

CRPs (suggest a counselor, civil rights attorney, special education teacher)

Procedure

1. Read aloud the two stories.
2. Ask students to compare the ways Scarface and Rough-Face Girl were treated because of their physical features. Be sure to concentrate on the fairness of their treatment and of the final outcome. (*NOTE:* Some students may realize that these are examples of the "Cinderella" story and this is a good place to make that connection.)

3. With a CRP's participation, have the class brainstorm ways people often treat others who are "different." The CRP should relate these responses to the Americans with Disabilities Act and its efforts to make sure every person has equal opportunities. Ask students to compare the ends of the stories to the intent of the above act.

4. With a counselor to guide the discussion, explore possible reasons why people often treat persons with disabilities and/or disfigurements differently.

5. Divide the class into groups of 3-5 students. Instruct each group to create their own story/ legend with a theme similar to the above two stories.

6. Have each group present their story either in storytelling form or in a role-play.

Debrief

Discuss the following questions:

How did the stories the groups wrote compare with the original legends?

Are there other cultures that have similar legends? Give examples.

Folklore and legends were used by American Indians and other cultures as teaching tools. What lessons did you learn from these stories?

Extension Activities

1. Present their created stories to other classes.

2. Take a mini-tour of your school facility and note what accommodations have been made for people with disabilities? What is needed? To make this even more effective, have students use a wheelchair, crutches, blindfold, earplugs, etc., during the tour. Present your findings to the school board.

SHARING RESPONSIBILITY

Introduction

In order to make any society work effectively and to preserve our rights, each individual has personal responsibilities as well as shared responsibilities. This literature-based lesson emphasizes those shared responsibilities in which young people might share to make a positive contribution to society.

ILRE Themes

Responsibility, Authority, Environment

Concepts

Sharing, duties, community

Social Studies Themes

Social Contracts, Citizenship, Political/Economic, Interdependence

Grade Levels

3 - 5 (Extension Activities for 6 - 8)

Objectives

- To introduce to students a story of Native American people from their beginning to the present day;
- To foster critical thinking with concepts of responsibility in sharing earth-space with others (community);
- To compare the various roles individuals and elected tribal and non-tribal officials fill in shared responsibilities;
- To familiarize the students with traditional oral narrative.

Time Needed

45-60 minutes

Materials Needed

Book: The People Shall Continue by Simon Ortiz

Butcher paper and markers

Procedure

1. Read the story and invite student discussions/questions. The emphasis of this story is "the shared responsibility" (pg. 5); therefore, the remainder of the lesson will be shared in groups.
2. Divide the class into groups and instruct each group to use their butcher paper and marker to create a web with "Community Responsibility" in the center. Students will add to this some ways in which they can contribute to the community. Examples might include community clean-up or planting trees.

3. Next, show the students a chart or web showing the main hierarchical structure of city or school officials and discuss their responsibilities to the community or school. Each group will now make a mural to depict these positions and duties. Students can be encouraged to use symbols such as an open book to show a library, an apple for a school, etc.

4. The same activity can be utilized to introduce students to Montana Indian tribal government—the responsibility of this government to its people and the Elders' roles in their community. Encourage students to use authentic American Indian symbols.

Debrief

Discuss the following questions:

What do you think would happen if nobody was responsible for cleaning up after themselves? If everybody was?

Why do you think elected officials have so many very specific responsibilities? Would they need them if every individual was completely responsible?

Extended Activities

1. Invite a city or school official, a tribal council member or an Elder to visit the class as a CRP. Have the students write the letter of invitation. The CRP might help the students explore ways they can share responsibility in their community and/or tribe.

2. Have each group compile a "scrapbook" of newspaper and magazine articles about people who make a difference by carrying out their individual and shared responsibilities.

3. Tour City Hall and/or a tribal office and observe the officials at work.

4. Other activities might include setting up classroom councils with defined duties and elections; a school or community project shared by class members; a mural depicting the responsibilities of state or federal government officials.

NOTE: *A valuable teacher resource is Montana Indians: Their History and Location. (See Companion Pieces.)*

Carvings and Graffiti: Vandalism, Art or Tradition?

Introduction

This lesson explores the controversy over whether graffiti on public or private property should be considered a form of art (sometimes with a religious purpose) or a form of vandalism. The U.S. Constitution protects genuine art as free expression, but also protects privacy and property from violation. Through an examination of symbols from several historical periods, various cultures, and their own environment, students will practice determining the differences between graffiti art and vandalism. At the same time, they will practice viewing ideas and events through different perspectives.

ILRE Themes

Authority, Environment, Justice, Responsibility, Spirituality

Concepts

Vandalism, Tradition, Freedom of Expression, Property Rights

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Citizenship, Political/Economic, Technology, Interdependence

Grade Levels

3-5 (Adaptations for K-2, 6-8 and 9-12 are also available)

Objectives

- To explore uses of symbols in various societies;
- To learn to differentiate between carving and graffiti-type art (free expression and vandalism;
- To recognize that responsibilities of citizenship must often take precedence over personal whims;
- To consider appropriate alternatives to vandalism;
- To experience decision making by groups.

Time Needed

One to two class periods

Materials Needed

- Book: And Still the Turtle Watched by Sheila MacGill-Callahan
- Pictures, slides, posters of hieroglyphs, petroglyphs, other symbols from many cultures (crosses, Star of David, swastika, military symbols, school mascots, cave paintings, tipi decorations, business logos, trademarks, etc.)

- CRT: suggest a tribal historian to discuss tribal symbols, school principal to discuss rules and laws against defacing school property, why the rules are needed and the possible consequences of breaking them
- Butcher paper, markers, drawing paper, crayons, tape
- Four symbol pictures (cut into correct number of puzzle pieces to create four equal groups)

Procedure

Phase 1

1. Show pictures of cave painting, petroglyphs, cultural symbols to class, explaining briefly what historians think they meant to the people who used them. Be sure to make the point that symbols are frequently used as a type of code, means of communication or part of a ritual.
2. Write the word "graffiti" on the board and explain the definition (graffiti is writing or drawing on a surface such as a wall or a rock). Ask the students to give examples of graffiti that they've seen. What kind of carved graffiti have they seen? List these examples on a piece of butcher paper. Write the word "vandalism" on the board and explain the definition (vandalism is destroying or ruining the appearance of public or private property). Ask the students which of their examples of graffiti might be considered vandalism. Circle those. Discuss as a group why they chose those examples as vandalism. Keep the lists for a later activity.
3. Stress that, while vandalism is against the law, and graffiti can be one kind of vandalism, graffiti can also be considered a kind of folk art. Some communities set aside fences or walls for "legal graffiti," and some hire artists to draw, paint or carve murals or symbols on certain properties. Because these artists have permission, the graffiti they put on these surfaces is not illegal. What types of "legal graffiti" have your students seen? Take a tour of your school looking for examples of graffiti and/or vandalism. The janitor is a great resource for this, and might be willing to guide the class to some examples and relate to them how his/her job is harder when there is graffiti to remove or damage to repair.
4. Divide the class into four groups by handing each student a puzzle piece and instructing them to find the other people who can make their symbol complete. *Note:* Be sure to have exactly the right number of pieces to complete all puzzles and include all students. In case of absences, be prepared by having extra puzzles cut into 3, 4 or 5 pieces or you can fill in the missing piece.
5. Give each student a piece of drawing paper. Instruct them to create a symbol or group of symbols that means something and that a stranger could understand. (You might show as examples a "No Smoking" sign or a hand with the finger pointing.) When all students are finished, have each student share his/her symbol and what it means with the other members of the group, but not with the class.
6. Instruct each group to choose one of their symbols to present to the whole class. This symbol now becomes the property of the group, not just the artist. (All pictures will be displayed later.) Allow the artist to make a copy of their pictures while the rest of the students help you hand their picture for display. While the artist of the chosen picture in each group holds the artwork, the other group members should explain its meaning to the class. When all groups have finished sharing their symbol, have them trade theirs with another group.

7. Instruct each group to deface the picture they have now. Hold up the damaged pictures; ask how each person felt about having their group's property damaged; how did the artists feel? Display the copies of the artists' pictures with those of the rest of the class.

8. Explain (or have the principal explain) that the school building and all the desks, chairs, etc., in it belong to a group called taxpayers, and their parents are members of that group. Who's property are we damaging when we write on things belonging to the school? How would that make their parents feel?

Debrief

Ask students to respond to the following questions: Do you need to add to the list of graffiti you made earlier? Do you agree with your earlier choices of vandalism on the list? Is graffiti a problem in this school? Can you think of some way to keep people from defacing school property? Can you think of something that might be "legal graffiti" in the school? What?

Phase 2

1. Review the definitions of "graffiti" and "vandalism."

2. Read aloud the book And Still the Turtle Watches be Sheila MacGill-Callahan. Do not show the pictures this time. Be sure to practice so you can almost tell the story!

3. In the story, humans make several changes to a large rock. As you read the story again, showing and explaining the illustrations, ask the students to imagine that they are members of the Delaware Indian Tribe who originally lived on the land where the rock was found. Remind them that the Delaware believed that the plants, animals and even rocks were just as important as humans and should always be treated with respect.

4. As a class, discuss "Should the old man's carving of the sacred turtle be considered as vandalism or as 'legal graffiti?' Why?"

5. As a class, discuss "Should the boys' spray painting of graffiti on the turtle rock be considered as vandalism or as 'legal graffiti?' Why?"

6. Have the students pair off and, as partners, share with each other what they believe the Delaware Indians should think or feel if they read the story. Ask for one student from each to report their discussion to the class.

Debrief

Have students respond to the following questions: "Do you think the man who found the turtle rock did the right thing when he took it away to be cleaned? Why? Do you think he did the right thing when he put it on display in the public gardens for many people to see? Why? What do you believe the Delaware Indians think about having it on display instead of where it was when the old man carved it? Why?"

Extension Activity

Have the class design a mural using symbols. Then have them choose a delegation to request permission from the principal to either recreate the mural on the sidewalk with chalk or on the snow with spray bottles filled with water and food coloring. You might want to enlist the help of the art teacher, and don't forget to have the students dress in old clothes for the project if it's approved! This becomes "legal graffiti."

6-8

ILRE Lessons

- **Did You Know?**
- **From Chiefs to Tribal Council**
- **Prayer on the Reservation**
- **What is Sovereignty?**
- **Why Not Sell the Air?**
- **Why So Many Governments?**
- **Where Do We Draw the Line?**

✹ DID YOU KNOW? ✹

Introduction

This lesson is designed as an introduction to an Indian LRE unit. It is an interactive lesson that begins to build an awareness of Indian peoples within the state of Montana.

ILRE Themes

Responsibility, Authority, Justice, Environment, Spirituality

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

6-8

Objectives

- To increase understanding of American Indian peoples as indigenous nations of North America;
- To demonstrate knowledge of Montana's Indian tribes through sharing of information;
- To become aware of the unique relationship between Indian tribes and state and federal governments;
- To practice interactive learning.

Time Needed

20-30 minutes

Materials Needed

Fact sheet (Handout 1)

Index cards with facts written on them (or sentence strips)

Procedure

1. Begin with a brief introduction to the topic of Indian Law. Perhaps create a list of what is already known.
2. Distribute index cards, one to each student.
3. Explain that each person is to exchange facts with as many people as possible within the given time frame.
4. After the alloted time has expired, question the group about facts contained on the cards.

Debrief

Discuss the following questions:

What did you learn that you didn't already know?

How did this exercise help you learn new information?

EACH ONE TEACH ONE FACT SHEET (6-8)

Scholars have estimated the population of American Indians in 1492 at numbers between 1.5 to 10 million.

The population of native peoples in 1910 was estimated at less than 250,000.

A reservation is the homeland or legally-owned land of a nation.

There are seven (7) Indian reservations in Montana.

Anthropologists have divided American Indian tribes into twelve (12) culture groups.

Indian languages have been divided into 18 dominant language families.

Before contact with Europeans, there were 200-300 Indian languages being spoken in North America.

The U.S. Constitution gave Congress the right to make treaties with Indians.

The Bureau of Indian Affairs is the arm of the federal government that is charged with overseeing Indian affairs.

There are eleven (11) federally-recognized tribes in Montana.

Indians were granted citizenship in 1924.

The federal government forced the state of New Mexico to give Indians voting rights in 1962.

Indians were denied the right to vote as a result of the fourteenth (14th) amendment in 1868.

Over four hundred (400) treaties have been signed between the United States government and Indian tribes.

In Montana, the Little Shell Band of Chippewa-Cree is currently seeking recognition.

When western territories wanted to become states, they gave up any authority over Indian tribes. There was a regulation that required the states' constitutions to recognize Indian land rights.

The relationship between states and reservations is often confusing.

Some federal laws allow states to make contracts with the Secretary of the Interior to provide services on reservations. States can involve themselves with reservations only when the federal government allows them to.

Major crimes committed on Indian reservations are tried in federal court, not in state court.

Most Indian tribes in Montana have court systems to handle civil cases and minor criminal offenses.

An example of tribal and state negotiations is tribal gaming.

Non-Indians owning land and/or living on a reservation do not have a voice in tribal affairs.

Indian people are U.S. citizens, citizens of the state where their reservation is located, and citizens of their tribe.

Indian tribes have the power to tax within the boundaries of the reservation.

If an Indian works someplace other than on their reservation, they must pay state income tax.

The Discovery Doctrine defined the relationship between the U.S. and Indian nations: When a nation comes across land unknown to it in the past, that nation may acquire ownership of the land but not control of the people living on the land.

✹ FROM CHIEFS TO TRIBAL COUNCIL ✹

Introduction

Students will study the early tribal leadership roles and how the tribes moved toward establishing a tribal council system of government. These changing roles of early tribal political leadership were not influenced by non-Indians as were those established later.

ILRE Themes

Authority, Responsibility, Privacy, Justice

Concepts

Sovereignty, treaties, rights, constitutional principles

Social Studies Themes

Cultural Heritage, Social History, Tradition, Change, Social Contracts, Citizenship, Political, Interdependence

Grade Levels

6 - 8

Objectives

- To learn about the different political roles of tribal leadership which include **chief, sub-chiefs, minor chiefs, war chief**, and **grabbers** among the Salish and Pend d'Oreille Tribes;
- To learn about the different roles of tribal leadership that were established by the Indian Reorganization Act of 1934, which provided the political system known as the tribal council.

Time Needed

One or two class periods

Materials Needed

Hellgate Treaty and Tribal Constitutions (Duties and Responsibilities of the Tribal Council)

CRP (suggest tribal council member)

Information about the social organization of the tribe, now and historically, if possible

Background on Chiefs of the People

Tribal Council flow chart

Tribal Council Minutes

Indian Reorganization Act (glossary)

Procedure

1. Read handout on roles of Chiefs-Grabbers. Discuss their different roles.
2. Give background on some past tribal leaders (chiefs).
3. Discuss present-day tribal council, election process, tribal voting districts. A CRP should help clarify this information and add any points missed.
4. Read both the handout on the Tribal Council and the latest meeting minutes. Ask the CRP to help guide the students through the minutes which demonstrate how issues are addressed with the council method. Then have them role play (with the CRP's help) using the same issues, but with the chief's system.
5. With input from the CRP, have the students brainstorm the similarities and differences between chiefs and tribal council systems. List their responses on the board.

Debrief

"Take a Stand" on the statement: The present-day tribal council system works better than the earlier chiefs system. (See "Where Do We Draw the Line" lesson for the "Take a Stand" procedure.) Be sure students give reasons for their stands.

Extension Activities

1. Hold mock elections for tribal council or have students form the older tribal leadership roles. Present problems for them to work through using either form of government.
2. Attend a Tribal Council meeting if possible.
3. Do a library research paper on Great Chiefs.

Pre-White Culture—Social Organization Handout

Before the coming of white people to Montana, the Salish tribal groups had developed their own ideals of proper behavior for members of the group. Each person had duties to the community in return for the social and economic benefits received from the tribe. They knew what kind of behavior the tribe wanted and expected social disapproval and punishment if they didn't meet that tribe's expectations. The social controls used were shaming, gossip, and low esteem. Formal controls included public lectures by the tribal leaders and physical punishment in extreme cases.

In the old culture, the successful hunter, hardworking wife, and brave warrior were praised and held in honor by their neighbors. The cowardly warrior, the careless parent, or lazy wife would be made fun of and an object of gossip. As a child, the Salish were taught that each person needed the group for safety and economic success. As a result of this training, the threat of lost honor, gossip, and sarcasm was a very successful way to make people conform to group goals. Most people worked for the approval of the group and valued the company it offered.

In those cases where the informal controls were not enough, the person faced formal correction from the tribal police and the chief. Chiefs usually used their power as possible, and only with the support of tribal elders unless the welfare of the tribe was in danger. For example, buffalo hunting trips to the Great Plains were always under threat of Blackfeet attack, and so were set up almost as military trips. On the plains, where a mistake could threaten the lives of the whole hunting party, rule breaking was punished quickly and firmly.

Tribal Government

Chief and Sub-chief among the Salish

The position of head chief of all the Salish was considered hereditary except under unusual conditions. The chief was honored and possessed real duties which usually passed to his oldest living son. The chief's office did sometimes pass to other families. The council could choose to pass over the oldest son and select a younger son of the previous chief. Should the chief die without sons—daughters could not be chiefs—it would be necessary to call a council and elect a new chief. The person chosen would usually be the senior "sub-chief" of the tribe.

The sub-chiefs formed a sort of military general staff, advising the chief and carrying out his orders. The war chief was the companion and advisor of the high chief. The most honored warrior with the greatest number of notches on his coup stick was the war chief. He accepted orders from the head chief and was obeyed by the warriors not only because they respected his accomplishments but also from fear.

The minor chiefs up to the war chief were considered more like "crew bosses." Their offices were not permanent and were not given any sacred character. They could not commit the tribe to war to make peace with the enemy. Since these men did not interfere in the duties of the head chief, the head chief, in return, did not seek to run the affairs within the bands. The head chief was not a band chief. The petty affairs of his band were usually handled by a sub-chief.

Formal Control among the Salish

For the Salish, the main public crimes seem to have been wife stealing, murder, theft, and slander. It was the Salish chief's duty to stop these antisocial acts. To aid him, he appointed a group of able fighting men called the "grabbers" to assist him in the internal police. They might warn wrong-doers, but never punish them on their own. They reported all crimes to the chief, whether great or little, who reserved punishment for

himself. These men were not organized into police societies, but held their office only by the chief's appointment.

Should a complaint be made to a chief, the guilty was summoned immediately. The chief usually decided the matter then and there. In a difficult case, he might call a council of sub-chiefs, but was not forced to follow their advice. Since the authority of the chief was based on the respect of the community, no chief would go against the wishes of the community and council without serious reason.

Whippings and scoldings were the only methods used to punish crimes. Chiefs did their own whipping and never gave the task to someone else. One hundred lashes was usually the heaviest penalty given. The Salish did not send offenders away from the tribe or have them killed, but the whipping usually left the guilty person horribly bruised and often unconscious. The wrongdoer was supposed to submit willingly to the judgment. He was supposed to lie down and expose his back without anyone telling him to do so. After the whipping, the person remained on the robe while the chief lectured him on his evil deed. Then the evildoer was supposed to rise and shake hands with everyone in the circle as a token of his good will toward all.

Should someone's behavior become so annoying that he deserved severe warning and punishment short of the whip, he was told to appear before the council. The offender knelt on a rod about the thickness of a finger which was placed on the ground immediately before the chief and within the ring of elders. There was silence as long as the chief wished which was long enough to allow the culprit to feel the discomfort of the chief's disapproval in his heart and the rod under his knees. Then the chief began to speak, the offender had to kneel on the rod until the chief concluded his speech, which could be several hours. Just the threat of this punishment was enough to prevent most offenses.

The Council

The Salish councils were advisory bodies to the head chief or the minor chief to whom they were attached. Their membership was confined to the minor leaders of the area. A council was called a "talking" and the place where its sessions were held was called "the talking place." If all members of the band were silent, the speaker could be assured that his speech met with disapproval. The council might ask someone to advise them on a certain point, and allow him to address them. In the old days, honored warriors were sometimes admitted to the council to join in the smoking as a sign of thanks, but their position was not permanent.

The Family

The Salish had a clear line between the small family and the great family. A small family were the people who lived in the same lodge and used the same fire. The people who lived in the same lodge were closely related except for any guests who might be present. In the old days, it was good to have as many in the lodge as it could comfortably hold, since there was safety in numbers. This included grandparents, father, mother, and unmarried children. Married sons and their wives and often daughters with their husbands were urged to remain under cover of the parental lodge as long as they would.

Marriage Among the Salish

When the time had come, the young Salish man looked about for a bride. A girl was ideally married about four years after her puberty, as a period of about this length was required for her to learn her future household duties. It was thought disgraceful for a woman to wait until 20 before marrying. The customs were less specific for the man, but he usually wanted to marry as soon as he could. This was as soon as he might show the girl's parents that he was a good provider. This rarely happened before the youth's twentieth year. A young fellow who had counted coup, no matter what his age, could almost certainly marry any girl in camp. The Salish claim there was no difference between the honor given a man who had counted coup and a good hunter. Both were signs of an inner ability and skill. A type of child marriage or betrothal was

common. Sometimes the promise of marriage was announced by allowing the little boy and girl to dance together during the marriage dance. Such marriages were not completed any earlier than those mentioned above, but nevertheless, they were thought of as binding contracts which even death could not dissolve. Should such a spouse die before the marriage was completed, his or her family must furnish another son or daughter to dance with the widowed child at the next marriage dance. The matter of marriage was entirely in the hands of the parents. It was true that the marriage should be approved by the entire family group, but only the parents had the power to refuse a marriage offer. Other important people, especially uncles, could only show their disapproval by not making the usual wedding gifts and shunning the newlyweds.

Open courtship was not allowed by the Salish. The boy was not supposed to approach the girl directly—though he did—and the girl had no choice in the matter at all. If a young man looked on a girl with favor, he had his parents approach those of the girl. The man's family customarily took the first step. Under very unusual conditions a girl's mother or other relative in authority might make the first move by offering the girl to the boy's parents.

It was usually the boy's mother that was the messenger. Old people have told of cases when the boy's father, uncle, or some other elderly male relative made the request. It is clear that the preferred pattern was for the boy's mother to begin the talk with the girl's mother. Normally, the girl's mother then called a family council of her immediate relatives for a thorough discussion of the merits of the young man and his family. This council worked for total agreement. It is hinted in the above that even the boy did not have complete choice in this matter. The reason for this is not hard to see. He was not the only one entering into a new relationship. When two Salish families were joined by marriage of their children, the parents also entered into a relationship requiring mutual friendship and aid when needed. In spite of this, there was no feeling that families should exchange marriageable children. It often happened that once two families had children who married, another marriage took place. This was due to the families getting to know each other, and was not a regular part of the marriage custom.

Among the Salish there were frequent problems resulting from parental control in marriage. In the closeness of the camp, young men and women would find themselves attracted and would want to marry. If the parents did not agree, most lovers separated and gave up hope. Yet, some of the heartier couples braved parental anger and eloped. Elopement of this kind was certain to bring someone after the couple. When the girl's relatives found the young couple, the couple was given a thorough scolding, brought back to camp, and handed over to the chief. The girl's parents would usually then consent to the marriage and even insist upon it with the chief's approval. Even if there was anger and name calling, elopements usually had happy endings. Some informants say that marriages by elopement were generally more successful than those by parental choice.

The Salish strongly deny the use of a bride price, or dowry. Not only do they take great pride in the fact that their daughters were not for sale, but also that they were pretty enough and good enough workers for the young men to want them without a dowry. There was a system of gift exchange related to marriage. This outward show of faith and good will has some role in binding the marriage agreement. If the bridegroom was proud of his wife-to-be, he would make her as fine an engagement gift as he could. A fine riding horse was the most valued object the Salish youth could give. An unmarried girl or bride was proud to have it said of her that she has a horse tied outside her door. Later in life, her husband might tie a horse outside her door as a hint that he intended to divorce her.

Marriage Rites of the Salish

There were three forms of marriage rites practiced by the Salish. They are listed from the least to the most formal: (1) wedding by public understanding of living together; (2) wedding by parental choice or urging; and (3) wedding by the marriage song and dance.

As the first form has been described, we will go on to the second—wedding by parental choice or urging. The day after the girl's family shows their agreement to the marriage, the groom's family brought their son a new set of clothing, and valuable presents to the bride's lodge and left. The bride's father then sat his new son-in-law beside the bride and began to talk about the economic, physical, and moral sides of marriage. At the end of the talk, the father pronounced them married. The newlyweds lived with the bride's parents until the entire camp moved. On that morning, the husband prepared his wife's personal articles, mounted her on the fine gift horse, paraded her through camp, and rode with her to the next camp site. At this time, the bride wore the wedding dress given her by her parents-in-law. As soon as the new camp was set up, the bridegroom rode with his new wife to his parent's lodge where she was welcomed into her new family. His father repeated the talk on marriage duties and the wedding was considered complete.

The main parts of the third marriage form—wedding by the marriage song and dance—were the dance, the magic song sung before the dance, the lecture by the chief, and the ride of the gift horse. This ceremony could be at a regularly scheduled dance, or one set up for the occasion. Everyone who wished, joined to dance in a circle around the brides and bridegrooms, while the chief sang the marriage song. Other songs were sung at this time, some magical, some humorous. The humorous songs were apt to be quite broad in their content, but were not to be resented. The pair of pairs must stand silently through this with their eyes fixed on the ground. At the right time, the chief would stop the singing and dancing and publicly announce that so and so were now married. He then followed this with a lecture on proper marriage conduct. After the dance, gifts were exchanged.

Ending a Marriage

In the old days, either party could end a marriage. Should the wife's family hear that their daughter was being abused by her husband, they were free to take her away from him. The people were not very understanding of wives who leave their husband. The wife could not expect to return to her old family circle unless her complaints were serious. Her family might even return her to her husband. The only act which might be looked upon as a divorce rite was for the husband to tie a horse at the wife's door. The woman was given this means to move out, and she considered it a gentle hint to move away. Children who were part of the mother's family, went with her. There were some rare cases when the father was so fond of the children that he made a show of force to keep them.

Recreation and Social Life

Daily Life

The Salish rose before daybreak. Immediately upon rising, everyone went to a nearby stream or lake and plunged in. Holes were kept in the ice in the winter for this purpose. No one put on moccasins on the way to the bath. Walking through the snow was thought good for you. The more hearty even went naked. This icy bath is highly praised by elderly people today, who say it made them used to accepting the cold and pain and to take pride in their heartiness when compared to men 60 years younger. They claim not to have known rheumatism and respiratory infections.

Hospitality and Good Manners

Salish family life was very informal. Husbands, wives, and children spoke their minds. Any visitor was offered food whenever he entered another's lodge. Such food must be accepted and eaten, whether the visitor was hungry or not. Even though a male caller should come during the husband's absence, the wife must say, "Sit down while I find some food for you." The husband would be embarrassed if this offer was not made and he found out. To refuse to offer or accept food was a real insult.

Manners were so important that one of the first things asked about a stranger would be, "What kind of manners has he?" In speaking to a man—no matter what his age—the Salish used a term meaning elder kinsman, usually "my elder brother." Women wishing to speak with respect of someone used a phrase mean-

ing, “I stand back of him.” A person was supposed to await his turn in speaking whether in addressing a council or in private talks. Also, it was unforgivable to pass someone you know without speaking to them.

Informal Social Control

In a Salish band, formal social control seems to have been used as little as possible. The chief depended on the general rules of action and ridicule to keep order. To fight or even to carry deep grudges against a fellow tribesman was thought extremely harmful to the group. To fight within the tribe brought great shame to the people involved, and biting insults from their neighbors.

Personal grudges and revenge played a big part in informal social control. An individual and his relatives were free to use the law of vengeance for such grave offenses as wife stealing and murder. In each of these, however, the chief preferred to deal out public punishment, but his office was never strong enough to take personal vengeance out of the list of socially accepted practices. In the case of murder, vengeance had to be taken immediately.

Leadership Sketches

The choices facing the tribes during these years required strong and courageous leaders and the Salish of the early nineteenth century were fortunate in finding such elders in Three Eagles and Grizzly Bear Looking Up.

Three Eagles

Only scattered information is available about the life of Three Eagles, as he seems to have died between 1812 and 1825. The sources indicate that Three Eagles was chief during the 1805 meeting between the Salish and the Lewis and Clark Expedition in Ross’ Hole. This visit established the pattern of friendship between the whites and the Salish. Three Eagles fostered this friendship in his dealings with the British Trader, David Thompson, and even required Thompson’s advice on strategy against the Blackfeet. Three Eagles was killed as a result of Blackfeet treachery during a brief truce in the war between the tribes.

Grizzly Bear Looking Up—Warrior/Statesman

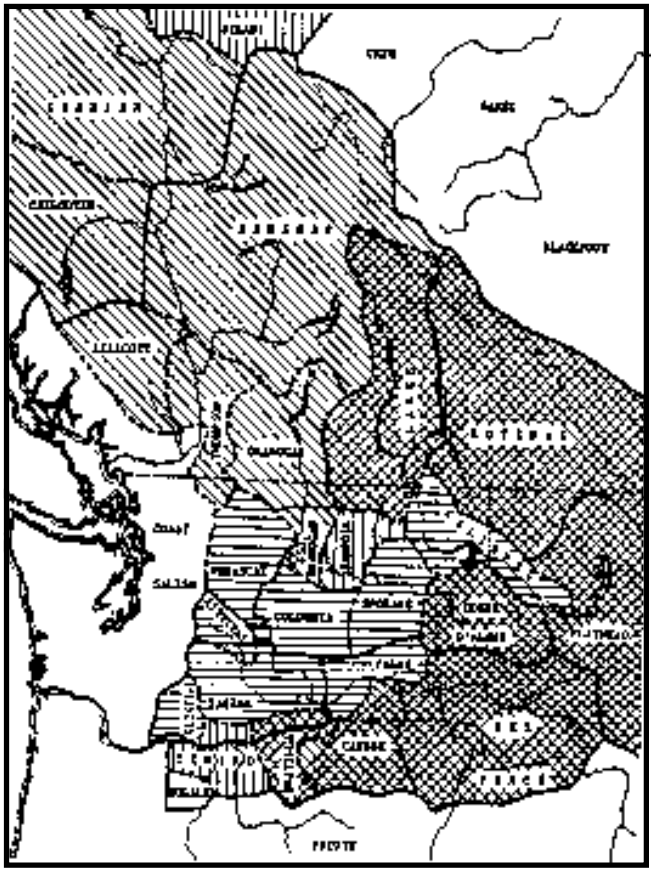
Grizzly Bear Looking Up survived the 1780 smallpox epidemic as a youth and then went on to be recognized as senior Salish leader after the Blackfeet killed his brother, Three Eagles, between 1812 and 1825. He was probably with the Salish when they met Lewis and Clark in Ross’ Hole in 1805. Over the years, Grizzly Bear Looking Up became well known to the White traders and missionaries for his miliary skill, deep religious beliefs and wisdom as a leader.

Grizzly Bear Looking Up’s miliary skill impressed many experienced traders who liked traveling with the Salish for protection against Blackfeet raiders. For example, in 1832, John Work recorded the events of a battle between the Blackfeet and a Salish trapper party in which Grizzly Bear Looking Up fought so aggressively that at the age of 79 he had two horses shot out from under him.

The religious dedication shown by Grizzly Bear Looking Up made a special impression on Father Nicholas Point. As chief, Grizzly Bear Looking Up made a daily circuit around the camp advising people to observe their duties and responsibilities to the tribe and family. When the missionaries arrived, Grizzly Bear Looking Up actively sought the spiritual powers they offered.

As part of the Salish efforts to develop an alliance with the white traders and to ensure the availability of guns and ammunition, Grizzly Bear Looking Up became personal friends with such traders as David Thompson, John Work, and Warren Ferris. He went with Thompson and Ferris on trips and was a frequent house guest of Work at Flathead Post.

The sources tell little about Grizzly Bear Looking Up's role in the Salish leadership, but suggest he played an active role in developing Salish policies of the period. We know: (1) he personally worked to secure the Salish alliance with the white traders against the Blackfeet; (2) he supposed the missionaries to secure the spiritual aid of the white man's God; and (3) he maintained friendships with both British and American traders, demonstrating his desire to keep the Salish neutral in the British-American rivalry over the Columbia River Basin. These leadership choices combined with Grizzly Bear Looking Up's personal bravery and moral leadership helped the Salish survive the crises of the early 1800s. He died in 1841 and was succeeded by his nephew, Victor, the son of Three Eagles.



Types of Political Organization. Vertical hatching: strict local autonomy; diagonal hatching: small bands of villages; horizontal hatching: local autonomy with slight tribal tendency; cross hatching: tribal organization.

From Vern F. Ray, Cultural Relations in the Plateau of Northwestern America (The Southwest Museum, Los Angeles, CA, 1939) page 11.

✹ PRAYER ON THE RESERVATION ✹

Indian issues are emotionally charged and logic is often clouded by the heat of the moment.
—American Indian Digest: Facts About Today's American Indians, 1995 ed. Thunderbird Enterprises, Phoenix, AZ

Introduction

All Americans are guaranteed freedom of speech and religion by the First Amendment to the U.S. Constitution. The U.S. Supreme Court has found school prayer to be unconstitutional. However, Congress passed the "American Indian Freedom of Religion Act" (A.I.F.R.A.) which recognizes the Indians' right to exercise their traditional religions. This lesson focuses on the above act, while it provides practice in decision-making and explores the hearing process.

ILRE Themes

Responsibility, Authority, Justice, Privacy, Spirituality

Concepts

Hearing process, freedom of expression and religion, tradition, policy, rights and responsibilities

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Space, Place, Movement

Grade Level

6 - 8 (Also available, adaptations for 9 -12)

Objectives

- To demonstrate a knowledge of the American Indian Freedom of Religion Act;
- To understand rights guaranteed under the First Amendment;
- To demonstrate the ability to rationally discuss points of view other than one's own;
- To practice the hearing process;
- To "Take a Stand" and support it.

Time Needed

One to two class periods, depending on students' prior knowledge about the First Amendment and the American Indian Freedom of Religion Act

Materials Needed

- Handout "Prayer on the Reservation" (Each copy should have a number from 1 to 7 corresponding to the roles listed in the activity below.)
- CRP (school trustee, tribal official, attorney)

Procedure

1. Briefly review the U.S. Supreme Court decisions that have found school prayer unconstitutional and the pertinent portions of the A.I.F.R.A.
2. Form groups of seven by using the numbers on the handouts and make groupings of numbers 1 through 7.
3. Explain that the groups will role-play a mini-school board meeting and each student assumes the role assigned to the number on his/her handout.
4. Instruct the students to read the handout and to think briefly about the stand they will take. The board chair-person will ask each group/person to state their position and briefly explain why they feel this way. The board chairperson takes no stand on the issue, but acts as the facilitator allowing each participant an opportunity to speak (approximately two minutes per person). After hearing all arguments, the facilitator will reach a decision as to whether Thomas Bear Cloud can give a benediction at this graduation and what the school's policy on this issue will be. The group will then have a brief opportunity to react to the facilitator's decision. Each facilitator will then be asked to "Take a Stand" to demonstrate his/her group's decision and to state the reasons.

Debrief

Have the students discuss, "How is this case like the school prayer cases? How is it different? Should Thomas Bear Cloud be allowed to say the prayer?"

PRAYER ON THE RESERVATION HANDOUT

Wyola, Montana, is a community of approximately 300 people and is located on the Crow Reservation. The K-8 public elementary school has 65 students. Forty-five of these students are Crow, three are non-member Indians, and 17 are non-Indians. Thomas Bear Cloud, a spiritual leader of the Sundance, has been asked to say a prayer at the eighth-grade graduation. The graduation ceremony will be held on Sunday in the school gym.

According to the American Indian Freedom of Religion Act, Congress recognized its obligation to "protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise (their) traditional religions."

Using the information you've learned about the First Amendment and the American Indian Freedom of Religion Act, decide how your character would answer the question, "Should Thomas Bear Cloud be allowed to say the prayer?" and plan the arguments you will use to convince the board chairperson to agree with you. You will have two minutes to present your argument.

ROLES:

#1 School administrator

#2 Crow parent

#3 Non-member parent

#4 Non-Indian parent

#5 Tribal Council representative

#6 Non-Indian religious leader

#7 Board chairperson

QUESTIONS TO CONSIDER

1. What arguments can the school make?
2. What arguments can the Crow parents make?
3. What arguments can the non-member Indian parents make?
4. What arguments can the non-Indian parents make?
5. What arguments can the Tribal Council make?
6. What arguments can non-Indian religious leaders make?

FIRST AMENDMENT HANDOUT

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press, or of the right of the people peaceably to assemble, and to petition the Government for redress of grievances.

The *establishment clause* forbids both state and federal governments from setting up churches and from passing laws aiding one or all religions, or favoring one religion over another. In addition, it forbids the government from passing laws barring or requiring citizen attendance at church or belief in any religious idea.

The *free exercise clause* protects the right of individuals to worship as they choose. However, when an individual's right to free exercise of religion conflicts with other important interests, the First Amendment claim does not always win.

"Taken together, the establishment and free exercise clauses prohibit the government from either endorsing religion or punishing religious belief or practice. Some people believe that the two clauses require the government to be neutral toward religion. Others believe that the First Amendment requires the government to accommodate religious belief and practice as long as it does not establish a state religion."

(National Institute for Citizenship Education. Street Law, Fifth Edition. West Publishing, 1994)

Lee v. Weisman, No. 90-1014

The issue whether including a clergyman who offers invocation and benediction prayers in formal graduation ceremonies violates the religious freedom clauses of the First Amendment.

Decided June 24, 1992: In a 5-4 decision, the Supreme Court ruled that the inclusion of a nonsectarian prayer offered by members of the clergy at public secondary school graduation ceremonies violates the Establishment Clause of the First Amendment.

American Indian Religious Freedom Act

§1996. Protection and preservation of traditional religions of Native Americans

Henceforth, it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including, but not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites. (Aug. 11,1978, P.L. 95-341, § 1, 92 Stat. 469.)

✹ WHAT IS SOVEREIGNTY? ✹

Tribal sovereignty is a paradox because the United States government, while recognizing the tribes as sovereign nations, has perpetuated a relationship of tribal dependence on the government.
—American Indian Digest: Facts About Today's American Indians, 1995 ed. Thunderbird Enterprises, Phoenix, AZ

Introduction

One of the most misunderstood aspects of the Indian and non-Indian relationship is the sovereign status of tribal governments. Webster's defines **sovereign** as, "being independent of all other." Politically, a sovereign nation is one which is independent of control by other nations. How, then, is an Indian tribe sovereign? Aren't Indian people residents of the United States? Aren't tribal lands part of the United States? These questions will be answered in the lesson that follows.

ILRE Themes

Authority, Responsibility, Privacy, Justice

Concepts

Sovereignty, rights, constitutional principles

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Space/ Place/Movement, Global Perspective, Interdependence

Objectives

- To define **sovereignty** as it applies to Indian tribes;
- To define the **discovery doctrine**;
- To explain the principles of the **reserved rights doctrine**.

Grade Level

6 - 8

Materials Needed

Sovereignty Handout

Hellgate Treaty

Large paper to list retained tribal rights and rights given to the government

CRP (suggest a tribal or constitutional law attorney)

Procedure

1. Introduce the lesson with a discussion of current issues concerning Indian sovereignty. Have students read the lesson.

2. Divide students into groups of two or three and assign question #1 found at the end of Handout 1.

3. Groups then present findings to the class. On the large paper, make a list of rights given to government and rights retained by the tribe. The CRP would be valuable here and during the discussion of other questions to clarify facts, guide the students' critical thinking, and provide legal expertise.

4. Assign additional questions for research.

Debrief

Discuss the following questions:

Does the discovery doctrine seem fair today? Explain.

Suppose beings from a nation on another planet landed in the United States, claimed they hadn't known the land existed, and used the discovery doctrine to acquire ownership of the land. Would that seem fair? Why or why not?

SOVEREIGNTY HANDOUT

Has your family ever sold your house or car? What happened as a result of that sale? Your family moved out of the house or left the car with the new owners. Because the house was sold, did your family structure change? Did the new owners begin to make the rules for your family? Were your parents still in charge of the well-being of your family? Of course, your parents still acted as parents. In the new house or new car they still made the rules and managed the family. Your family was still intact and acted like a family. The sale of property did not include the sale of your family's right to act as a family, they were still sovereign or independent of other families and the new owners of the property.

When European nations first came to the shores of North and South America they encountered a variety of native people. Some tribes were organized into large nations and others were small independent tribes. Regardless of the size of each tribe, it was recognized by the Europeans that each had independent governments. Therefore, when Europeans wanted the land these people lived on, they developed the process of writing treaties with the independent people to acquire the land they wished to occupy. Even when war and violence were used to persuade the Indians to give up their land, a treaty was ultimately written which granted the Europeans the right to the land they desired, thereby transferring ownership of Indian lands to the conquering nation. This arrangement recognized the independent government of each Indian group. Because the Indian people were giving away or selling their land, they were not giving up the right to control their own government. In other words, the Indian people were losing land, not their sovereign status as a nation and were still independent nations or tribes.

The idea that conquering nations were acquiring land, not control of the Indian people on the land, is called the **discovery doctrine.** According to the discovery doctrine, when a nation discovers land unknown to it in the past, that nation may acquire ownership of the land but not control of the people living on the land. In most cases in the United States, the Indian people gave up or sold the right to only a portion of their land in the treaties they made with the United States. The tribes retained some of their land to live, work and hunt on, therefore keeping their sovereignty as a nation, as well as some of their land. Reservations today are the land Indian people continued to own or lands that the United States government agreed to exchange for traditional Indian homeland as a result of treaties.

In the United States, a court decision recognized the principles of the **discovery doctrine.** In 1823, in the case Johnson v. McIntosh, the Supreme Court ruled that the United States must negotiate treaties with the Indians to acquire their lands. In these treaties, the tribes kept all rights they did not grant the United States government.

When tribes agreed to give or sell part or all of their land, they continued to keep other rights as free people. They were only transferring land ownership and keeping or reserving other rights for themselves. Each treaty was different, but each granted specific rights to the federal government and kept all other rights for the tribe. This idea is referred to as the **reserved rights doctrine.**

Problem Solving

1. Form groups of two or three students. Each group will read an Article (or more) of the Flathead Treaty (include Articles 1 - 11 only). After reading the Article, each group should list rights the Flathead people reserved for themselves and rights they gave to the federal government. Each group will present their list to the whole class. As groups present, write their findings on large sheets of paper. One paper will list reserved rights and the second paper will list granted or lost rights. Discuss as a class why some rights were reserved by the tribe and others were granted to the federal government.

2. Are families totally sovereign in the United States today? Make a list of family rights that the government has gained.

3. Research how family rights have changed since colonial times in the United States.

✹ WHY NOT SELL THE AIR? ✹

It seems poetic justice that some reservations have become valuable land due to mineral resources, pristine resources, and urban locations.
—American Indian Digest: Facts About Today's American Indians, 1995 ed. Thunderbird Enterprises, Phoenix, AZ

Introduction

Reservations (reserved land) are the historical land base of American Indian people, or land Indian people exchanged through treaties for their original land base. Many treaties included provisions which banned non-Indians from living on the reservations unless permission from the federal government had been obtained to reside on the Indian land. Today, Indian and non-Indian people reside on reservations. In some cases, there are actually more non-Indian residents than Indians living on some reservations. This lesson will explore how so many non-Indians came to reside on reservations.

ILRE Themes

Authority, Responsibility, Justice

ILRE Concepts

Jurisdiction, sovereignty, public hearings, reservation, allotment

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Global Perspective, Interdependence

Grade Levels

6 - 8

Objectives

- To understand the reasons for the General Allotment Act;
- To examine the American Indians' viewpoint on the General Allotment Act;
- To participate in a public hearing activity.

Time Needed

Two class periods

Materials Needed

Handouts 1 and 2

Room arrangement similar to a hearing

CRPs (see Hearing Procedure, Step 2)

Procedure

1. Introduce the lesson with a discussion on how laws are made. Explain the purpose of the public hearing in formulation of law. Provide students with recent examples of public hearings.

2. Read the lesson (Handout 1).

3. Follow the procedure for the Congressional hearing.

Debrief

Discuss the following questions:

Which group(s) had the best arguments and why?

Would you have enough information to make a good decision? If not, what other information would you need to make a good decision as a legislator?

As a legislator, would you be concerned about conflict between Indians and non-Indians living on reservations?

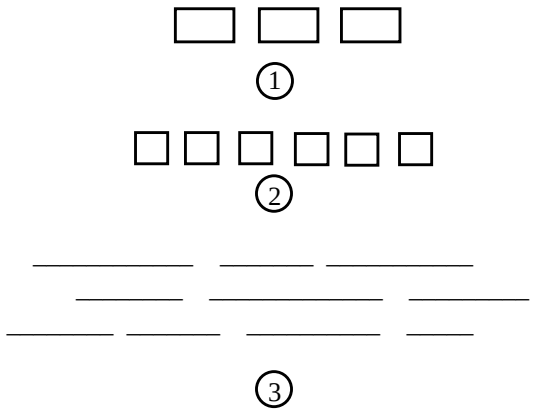
Hearing Procedure

1. Divide the class into six groups with each group assigned a specific role to play in a Congressional hearing on the General Allotment Act. Give to each group only the role they will play and allow them time to prepare a five-minute testimony to be given at the Congressional hearing. Decide ahead of time if you will require each group member to participate in the hearing or if groups may select a spokesperson. If all members of the group must participate in the hearing, increase the presentation time to seven minutes or more.

2. Invite to your class three CRPs—legal professionals, legislators, tribal leaders, or local government officials—to participate in the activity as members of the Congressional committee. After each group presents, allow the committee members to ask a few questions of the presenters. When the hearing is completed, ask the committee members to join in discussing the debrief questions.

NOTE: If you cannot finish the entire hearing when the CRPs are present, ask students who presented for the CRPs to act as the Congressional delegates the next day. They will easily imitate the probing questions of the adults after seeing the process work.

Arrange the classroom desks or tables to resemble a hearing room, similar to the diagram below:



HANDOUT #1
Why Not Sell the Air?

By 1880, most reservations had been established, but the federal government was not satisfied with the impact of reservation life on American Indians. The Indian people were living in severe poverty conditions. Furthermore, the Indians were attempting to continue to live in a traditional lifestyle. As a result, Congress began to look at ways to bring Indians into the mainstream of American life and force them to give up traditional lifestyles. In searching for a way to achieve this goal, Congress reflected on what kept Indians separated from other Americans. It was decided the major deterrent to integration of Indians was the fact that tribes owned land, rather than individual Indians owning land. It was felt that if reservation lands were divided up and granted to individuals, this land would be used for farming and the Indians would give up their traditional practices and become like white people. A plan was devised called the General Allotment Act of 1887 (also called the Dawes Act) which divided the lands of the reservations into individual plots and distributed the land to specific (heads of family, etc.) Indians. Any reservation land not allotted to Indians could then be opened to non-Indians for homesteading. When the Dawes Act was enacted, Indian allotments could also be sold or leased to non-Indians. As a result of this law, large portions of reservation land were acquired by non-Indians. This law was detrimental to Indians and resulted in Indian ownership of land on reservations declining to 48 million acres, compared to 138 million acres prior to the law.

The Dawes Act allowed non-Indians to live on reservations and own land, but the act did not end reservations. The reservations were established as a result of treaties between the federal government and tribes or Indian nations and continued even though the lands had been distributed to both Indian and non-Indian individuals.

HANDOUT #2
Public Hearing Roles

Group 1—This group is headed by Tecumseh, a Shawnee leader. Tecumseh's view on making treaties that grant land to whites is summarized in the quote below. Tecumseh actually lived in the early 1800s and was killed while fighting on the British side in the War of 1812. His solution to stopping white Americans from taking Indian lands was to unite all Indian tribes to fight and force the white Americans off Indian lands. He united Indians in the Red Stick Confederation.

"Why not sell the air, the clouds, the great sea? . . .

White people are never satisfied . . . They have driven us from the great salt water, forced us over the mountains.

. . . We are determined to go no further."

Group 2—This group is headed by Chief Weninock, a Yakima leader.

"When we were created we were given our ground to live on and from this time these were our rights. This is all true. We were put here by the Creator . . . I was not brought from a foreign country and did not come here. I was put here by the Creator."

Group 3—This group is headed by Chief Joseph, a Nez Perce leader.

"This country was made without lines of demarcation, and it is not man's business to divide it. The one who has the right to dispose of it is the one who has created it. I claim a right to live on my land and accord you the privilege to live on yours."

Group 4—This group is headed by Crazy Horse, an Oglala Sioux leader.

"We do not interfere with you, and again you say, why do you not become civilized? We do not want your civilization! We would live as our fathers did, and their fathers before them."

Group 5—This group is from the Montana Stock Growers Association. They are eager to acquire more land for open range cattle ranching. Railroads have made it possible to bring large numbers of cattle into Montana and they anticipate that the available range area will be overstocked. They need more land for the cattle if they are to prosper and make money. They have the backing of the territorial governor.

Group 6—This group is made up of federal employees of the Immigration Service. Large numbers of Europeans are arriving in the United States every day. When they arrive in New York, there are few jobs available for the immigrants. American citizens resent the arrival of so many immigrants because of the competition for jobs. The city is already overcrowded. The city services such as housing, sanitation, and health are all being strained because so many new people arrive each day. You feel the government must open new lands for homesteading so these immigrants can move to a better place. You favor the General Allotment Act because you know the land not allotted to Indians can be opened for homesteading for the new immigrants. You feel the Indians are not using the land properly and its resources are being wasted.

✹ WHY SO MANY GOVERNMENTS? ✹

Developed by Marilyn Ryan

Introduction

News reports of conflict between the authority of tribal governments and state and county governments are commonly found in newspaper headlines in states where reservations are located. All too often, the conflict expands into Indian vs. non-Indian antagonism, rather than a dispute concerning jurisdiction of two governmental bodies. This lesson is concerned about the authority of tribal governments and the relationship of states and tribal governments.

LRE Themes and Concepts

Authority, responsibility, justice, conflict

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Space/ Place/Movement, Global Perspective, Interdependence

Objectives

- To identify the ways different governments have jurisdiction over our actions and activities;
- Define reservation;
- Explain laws and court decisions that define tribal jurisdiction;
- Define **domestic dependent** status of Indian tribes.

Grade Level

7 - 8

Materials Needed

Handout 1

Procedure

1. Ask students to list the different governmental bodies that write laws concerning their life (for example: federal, tribal, state, county, city, school districts). As students respond, list the different governments on the board or overhead.
2. Divide students into groups of two or three and have the students list three rules or laws from each of these different governments.
3. As students report the result of their brainstorming of laws, list examples on the board next to each type of government. Discuss how and why different governments can write laws to regulate behavior.
4. Read Handout 1. Select problem solving questions to work with in class.

TRIBAL AND STATE JURISDICTION HANDOUT

What is an Indian Reservation?

A reservation is the homeland or legally-owned land of a sovereign people. Reservation lands, in most cases, belonged to the Indians before the treaty existed that recognized the Indian ownership. Some reservations consist of land that the Indian people traded (often were forced to trade) the federal government for their original land base. The people living on the reservation still have sovereign reserved powers, even though their land base may have been reduced or traded for alternate land.

Non-Indians owning land and/or living on reservations do not have a voice in tribal affairs. They are not members of the tribe; therefore, they can never have the rights of citizenship in the tribe. Membership in a tribe can only be gained by birth.

In 1924, all Indian people who had not already been granted U.S. citizenship through other laws, such as the General Allotment Act, were recognized as citizens. Indian people are U.S. citizens of the state in which their reservation is located and citizens of their tribe.

Tribal Governments, State Governments, and the Federal Government

Tribal governments have a direct relationship with the federal government. This relationship was established in the U.S. Constitution in Article 1, Section 8. When treaties were written with Indian tribes, the Indian tribes gave some of their sovereign powers to the federal government along with their land, but retained or reserved most powers of independent sovereign people.

As early as 1831 a Supreme Court case, Cherokee v Georgia, declared Indian tribes **domestic dependent** nations. This classification made tribes subject to the laws and regulations of the U.S. Congress, but not to states within the union. Congress has power to write laws and develop policies concerning tribes, but the tribes still retain their sovereignty. Congress, the dominate power, has the responsibility to protect the right of the tribe to govern itself. States cannot interfere with the affairs of the tribe.

Even earlier than the Cherokee v Georgia decision, the federal government established the Bureau of Indian Affairs to administer government Indian policy. In 1824, this agency was established to handle the relationship of tribes and the federal government. States may establish agencies to handle the state and tribe relationship, but this relationship is based on compromise and negotiation of issues, not on one government dominating the other sovereign government. An example of tribal and state negotiations is tribal gambling.

The federal government has direct authority on reservations, but states do not. States can write laws or manage affairs on reservations only if the federal government has specifically granted them authority in a particular situation or circumstance.

When western territories sought to become states, a common regulation demanded their state constitution contain a clause that recognized Indian land rights. The Enabling Act of 1888, which allowed Montana to write a constitution and apply for statehood, has such a provision. Due to such policies, states have given up any right or authority over Indian tribes.

Some federal laws have allowed the states to make contracts with the Secretary of the Interior to provide services on reservations. These contracts often concern education, health, and welfare. For example, Montana can regulate schools on reservations because of such a contract.

Other federal laws, such as Public Law 280 (1953), have granted some states limited authority on reservations. This law allowed some states to maintain law and order on specifically designated reservations. Laws such as this, plus many others, have caused great confusion over what authority states have regarding reservations. The principle to keep in mind is that tribal governments are sovereign and protected by the federal government. States can involve themselves with reservations only when the federal government

allows them such interaction for specific services or actions. In all other cases, states have no rights to govern on reservations.

Although this principle may seem clear, the relationship between states and reservations is often very confusing. The numerous laws that allow states authority concerning the reservation have clouded the line of authority and caused conflict concerning the state's rights and the reservation's rights. The laws that grant state authority on reservations are very specific, but the idea has developed in states that if a state can have certain regulation ability on reservations, it has total authority on reservations. Tribal governments often find they are in the position of having to go to court to clarify the authority in specific areas. The tribes over and over win these cases but state, county, and city governments continue to question and attempt to expand their authority on reservations.

PROBLEM SOLVING

1. When this lesson was introduced, we listed different governments and the laws that these governments could write to regulate our behavior. Is there a difference between tribal governments having authority to regulate non-members on the reservation and state laws and city laws regulating our behavior? Discuss.

2. If you visit a neighboring city, do you have to follow a curfew law regulating hours youths can be on the streets?

   If you were to drive a car in a state where you were not a resident, would you have to follow the speed limit of that state?

   Are there any similarities or differences between the way these laws affect non-residents and the way tribal laws affect non-Indians?

3. Research a current conflict between tribal government and the state and/or local government. For example, gambling agreements, water rights, jurisdiction of criminal activity on school land, etc. Prepare a debate on one of these issues.

4. Study the principles established by the Tulle v Washington (1942) Supreme Court decision (see below summary of these principles). Why would the Court issue a ruling including these principles?

Tulle v Washington

When the Supreme Court makes a court ruling regarding Indian treaties, the following principles will guide the Court's decision:

1. Ambiguous (unclear) language in treaties will be decided in favor of Indians;
2. Treaties are to be interpreted as Indians would have understood the document;
3. Treaties will be liberally interpreted in favor of the Indians;
4. Treaties keep for Indians all rights that have not been granted away.

9-12

ILRE Lessons

- **Did You Know?**
- **Chronicles of Sissy**
- **Gambling on Montana Reservations**
- **Indian Cultural Preservation**
- **Negotiating a Treaty**
- **Review of Montana American Indian Constitutions**
- **The Place of Falling Waters**
- **Where Do We Draw the Line?**

✹ DID YOU KNOW? ✹

Introduction

This lesson is designed as an introduction to an Indian LRE unit. It is an interactive lesson that begins to build an awareness of Indian peoples within the state of Montana.

ILRE Themes

Responsibility, Authority, Justice, Environment, Spirituality

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

9-12

Objectives

- To increase understanding of American Indian peoples as indigenous nations of North America;
- To demonstrate knowledge of Montana's Indian tribes through sharing of information;
- To become aware of the unique relationship between Indian tribes and state and federal governments;
- To practice interactive learning.

Time Needed

20-30 minutes

Materials Needed

Fact sheet (Handout 1)

Index cards with facts written on them (or sentence strips)

Procedure

1. Begin with a brief introduction to the topic of Indian Law. Perhaps create a list of what is already known.
2. Distribute index cards, one to each student.
3. Explain that each person is to exchange facts with as many people as possible within the given time frame.
4. After the alloted time has expired, question the group about facts contained on the cards.

Debrief

Discuss the following questions:

What did you learn that you didn't already know?

How did this exercise help you learn new information?

EACH ONE TEACH ONE FACT SHEET (9-12)

Scholars have estimated the population of American Indians in 1492 at numbers between 1.5 to 10 million.

The population of native peoples in 1910 was estimated at less than 250,000.

A reservation is the homeland or legally-owned land of a nation.

There are seven (7) Indian reservations in Montana.

Anthropologists have divided American Indian tribes into twelve (12) culture groups.

Indian languages have been divided into 18 dominant language families.

Before contact with Europeans, there were 200-300 Indian languages being spoken in North America.

The U.S. Constitution gave Congress the right to make treaties with Indians.

The Bureau of Indian Affairs is the arm of the federal government that is charged with overseeing Indian affairs.

There are eleven (11) federally-recognized tribes in Montana.

Indians were granted citizenship in 1924.

The federal government forced the state of New Mexico to give Indians voting rights in 1962.

Indians were denied the right to vote as a result of the fourteenth (14th) amendment in 1868.

Over four hundred (400) treaties have been signed between the United States government and Indian tribes.

In Montana, the Little Shell Band of Chippewa-Cree is currently seeking recognition.

When western territories wanted to become states, they gave up any authority over Indian tribes. There was a regulation that required the states' constitutions to recognize Indian land rights.

The relationship between states and reservations is often confusing.

Some federal laws allow states to make contracts with the Secretary of the Interior to provide services on reservations. States can involve themselves with reservations only when the federal government allows them to.

Major crimes committed on Indian reservations are tried in federal court, not in state court.

Most Indian tribes in Montana have court systems to handle civil cases and minor criminal offenses.

An example of tribal and state negotiations is tribal gaming.

Non-Indians owning land and/or living on a reservation do not have a voice in tribal affairs.

Indian people are U.S. citizens, citizens of the state where their reservation is located, and citizens of their tribe.

Indian tribes have the power to tax within the boundaries of the reservation.

If an Indian works someplace other than on their reservation, they must pay state income tax.

The Discovery Doctrine defined the relationship between the U.S. and Indian nations: When a nation comes across land unknown to it in the past, that nation may acquire ownership of the land but not control of the people living on the land.

A treaty is a binding international agreement between two or more sovereign nations.

The Indian Civil Rights Act of 1868 requires tribal governments and courts to guarantee certain individual rights, such as the right to trial by jury in criminal cases.

CHRONICLES OF SISSY

Introduction

These four lessons chronicle the early life of "Sissy" and how she learns about bigotry and racism, how she progresses from being a youth at risk to a juvenile delinquent, dependent on drugs and alcohol and living on the streets of a large city. Then, with the help of the justice and medical systems, Sissy begins to "reform." Students need previous knowledge of the juvenile justice system and status crimes.

ILRE Themes

Authority, Responsibility, Privacy, Justice, Environment

Concepts

Juvenile justice, delinquency, neglect, status crimes, assault and battery, relocation, trust lands, gangs, probation, truancy, DUI, minor in possession, drug abuse, shoplifting, burglary, discrimination, reform

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Space/Place/Movement, Interdependence

Objectives

- To develop an understanding of LRE concepts as they relate to juveniles and adults;
- To apply LRE concepts to personal situations;
- To explore the legal results of "culture clash";
- To become familiar with the juvenile justice system and other agencies which deal with youth.

Grade Level

9 - 12 and juvenile justice settings (Questions may need to be adapted for specific grades or locations.)

LESSON #1

Materials Needed

Narrative #1

CRPs (see individual lesson procedures for suggestions)

Time needed

One or two class periods

Procedure

1. Review related information about the juvenile justice system and status crimes. (Strongly suggest having a CRP from the juvenile court, probation office, or an attorney present this information prior to this lesson.)

2. Have the class brainstorm ways that bigotry and racism can be found in society, on and off the reservations.

3. Have a student or a guest adult "tell" the story of Sissy found in Narrative #1.The story-teller might portray Sissy's aunt, uncle or caseworker.

4. Distribute copies of Narrative #1. Explain that this was Sissy's first encounter with racism. Have them discuss the following questions:

   a. Was Sissy's father treated fairly by the police? Explain your answer.

   b. What legal alternatives (if any) did Sissy's father have open to him at the time (1953) as an American citizen and/or as a Native American? (For useful background information, see Companion Pieces.)

   c. Based on the facts of the story, do you think Sissy's father was put in jail fairly or unfairly? Why?

   d. Assuming Sissy had never previously witnessed prejudice and racism, what conclusions do you think this six-year-old child might have drawn as a result of the incident?

   e. Whatever conclusions Sissy came to because of this experience, do you think this experience will affect her perception of right and wrong, her trust in law enforcement and her feelings about her father, her heritage and herself? Explain.

Debrief

The questions with each lesson can serve this purpose.

SISSY: NARRATIVE #1

Sissy was born and raised on the Fort Belknap Indian Reservation near Harlem, Montana. Sissy's mother and father were both one-half Gros Ventre and one-half white. Her parents took great pride in their Indian heritage and practiced all the native traditions.

Sissy was born in the early 1950s and, by that time, the white world outside the boundaries of the reservation had started to show influence on the young Native Americans, sometimes causing the old ones to whisper to each other behind their hands and shake their heads with concern.

Sissy and her brothers and sisters had to walk two miles from their log cabin that sat next to the Milk River, to catch the school bus that would transport them another 20 miles into Harlem for school. The bitter cold wind would whip across the stubble field Sissy and her siblings ran across to get to the highway, stinging exposed hands and faces, bringing tears to their eyes. Therefore, it was with great joy and excitement when one day after school, with miles still to travel to their drop-off, Sissy spotted her father's old red pickup truck pulled off the highway to fix a flat tire. Sissy and her brothers and sister clambered off the school bus, ran across the highway and hugged their father hello. When the tire was fixed, father tucked blankets and a tarp around the boys, who huddled in the box of the truck. Sissy and her sister sat in the cab with their father. They then drove back to town where father had some business to do and some groceries to pick up.

As Father drove slowly down the street in search of a parking spot, a large new car parked in front of a local bar backed out directly in front of Father's old truck. Unable to stop, Father hit the car hard in the rear. The impact caused Sissy to fly forward and hit her forehead on the windshield, causing a large cut and bump. Her sister fell hard to the floor, but did not suffer much damage. Father was busy assessing his daughters' injuries when a large angry face appeared in the window on Father's side of the truck. The man jerked the door open, letting into the warm interior of the truck the stench of an afternoon spent in the bar drinking whiskey. The angry white man pulled Father from the truck and hit him in the face with his fist, yelling, "You damn stinking Indian! Look what you did to my new car!" Father had spent all of his life as an outdoors man and the furious white man was getting the worst of the fight that followed, when a number of other men from the bar came out and joined their drunk friend in the battle. The next thing Sissy saw of her father was two policemen hauling him to their patrol car to take him to jail. Sissy's older brother managed to get the old truck off the street and to get the children to the home of a family friend. Father spent two weeks in jail and paid a large fine.

It is now 40 years later, but Sissy still remembers.

LESSON #2

Materials Needed

Narrative #2

CRP (If possible)

Time Needed

One class period

Procedure

1. Review the concepts of "relocation" and "trust lands." (See glossary)

2. Considering that this is the first time Sissy and family have lived off the reservation, discuss how the various family members may have felt seeing so many African Americans at one time and in one place for the first time.

3. The family made many friends in the black projects in a short time. Discuss if this came about because the family members were simply able to make friends easily, or if they may have felt a kinship to the African Americans because of race.

4. (Suggest use of a CRP for this activity, preferably a law enforcement officer or probation officer.) Sissy's brothers fell into gang activity right after they moved from an Indian reservation in Montana to a black housing project in Los Angeles. "Take a Stand" on this issue: The "black" neighborhood was a main factor for their involvement <u>because</u> the neighborhood was "black." (Find instruction for "Take a Stand" in the lesson titled, "Where Do We Draw the Line?")

5. Discuss the following questions:

   a. The U.S. government had relocated Sissy's family. Do you think the government was aware that they were placing the family in a high crime area?

   b. Sissy's family was obviously naive about life off the reservation, having never traveled much or seen television. Do you think the government acted responsibly in its handling of the family?

   c. When James witnessed the murder of his fellow gang member, do you think his father acted responsibly as a citizen and as a parent, based on his prior experience with the law?

SISSY: NARRATIVE #2

A few years after the arrest of Sissy's father, when Sissy was ten years old, Father decided that he would like to try the relocation program the government was offering to Indians on the reservations. Relocation was a government concept of getting Indians off the reservations to mainstream them into white society. Father had grown tired of working his land which was held in trust by the U.S. government and of having to give everything he made back to the government. Father also felt that his children should learn more about life off the reservation as times were changing so fast.

Sissy and her family were relocated to Los Angeles, California. Sissy had never seen an African American (at that time, in the late 1950s called Colored). As the government car slowly drove through the black housing projects of Pico Gardens, Sissy and her family stared out the windows in both awe and fright at the black faces staring back at them.

Many months later, Sissy and her family had made many friends in the projects. Unfortunately, Sissy's brothers did not have it as easy. Yes, they had friends, but they were now members of a local gang. Sissy's brothers were now wearing their hair in greasy ducktails, swaggering around in leather jackets and listening to rock and roll. Two thousand miles from Fort Belknap, Montana, a million miles from home.

Mother and Father worried about their sons and wondered what would become of their daughters in such an environment as they grew up. They couldn't understand what was happening to their family.

One night, Sissy's brother James ran into the house, wild-eyed and out of breath. He was very frightened. He told Father that he had just witnessed members of a rival gang beat a black friend of his to death with bicycle chains. They would have killed him, too, except James, who was strong and fast, managed to get away.

Mother and Father knew that James had a responsibility to go to the police, but Father also felt that he had a responsibility to protect his family. They decided that James would return to relatives in Montana that night.

LESSON #3

Materials Needed

Narrative #3

CRP (if possible)

Time Needed

One class period

Procedure

1. With the help of a CRP (suggest a counselor or probation officer), discuss the following questions:

   a. Sissy's family had always been close and loving, and had always supported each other. How do you think the divorce shaped the family dynamics and attitudes toward authority and loyalty?

   b. Many marriages fail due to outside stresses and circumstances. Do you know of anyone whose life was drastically changed due to family breakups? Have you observed young people acting-out, such as showing defiance within the family or breaking laws?

   c. If a divorce cannot be avoided, can parents take steps to help make the divorce easier on the children? How?

   d. Did Sissy's family show any understanding about why she was suddenly rebelling, or do you think they placed the whole blame on her? Explain.

2. After Sissy was placed on probation, she seemed to have settled down and behaved herself while living with her grandmother on the reservation. Does this mean that she is no longer upset about what happened to her and to her family? Instruct each student to "become Sissy" and write an entry for Sissy's diary explaining her feelings and reasons. Share these on a voluntary basis.

SISSY: NARRATIVE #3

Over the years, Sissy's family had gone through many changes and a lot of turmoil. It seemed her world was changing too fast. Sissy was now 14, and her beloved parents had decided to divorce. The family had returned to Fort Belknap a few years before and now Mother decided to get a job in town, so she took Sissy and the rest of the family with her. Father moved to another part of the state.

Hurt and confusion became a daily reality to Sissy. Things she thought she could always count on, such as family love and stability, seemed to be slipping away. Before the split of her parents, Father and Mother appeared to spend all their time together fighting. The children felt like they had to take sides. Sissy was too young and inexperienced to realize at the time that life had been tremendously hard on both her mother and father and that they desperately needed a change. Hurt, angry and confused, Sissy started to act-out.

It started slowly with a truancy. The day was warm and still. Sissy and her friends did not feel like wasting one of the remaining days of fall on school. They all met in the park and then drove to a ranch about 40 miles from town. An older friend of theirs had managed to buy a few cases of beer and some whiskey. At first the day was fun—drinking cold beer, singing loudly with the Beatles on the radio, and dancing in the dirt road. As the day grew into evening, the beer started to run out. Sissy was secretly worried about facing her mother. To push these thoughts from her mind, she started to drink the whiskey. She became very drunk, and on the long ride home she became sick. Her friends pulled off the highway so Sissy could get out. About this time a Highway Patrolman stopped to see if they were having car trouble. When the officer saw that he was dealing with a car full of drunk teenagers, he radioed to town for help. Soon, two sheriff's cars were there to help take the kids to jail.

At the jail, all the parents were notified about the arrests and they had to come to the sheriff's office to get their children. When Sissy's mother came to get her, she knew she was in big trouble. This caused her to feel even sicker than before, yet, somewhere inside her there was a deep feeling of anger and defiance. She felt that nothing her mother could do to her as punishment could hurt her as much as the breakup of her family.

When they got home, Sissy received a spanking from her mother and was grounded for a month. Two days later her mother and the rest of the family were still not talking to her. Sissy told herself that they really did not care for her, and that is when she made up her mind to run away. But, since Sissy really did not have too many places to run to, she was found in a couple of days.

Mother, of course, was worried about Sissy's rebellion and sent her to live with her grandmother on the reservation. Sissy accepted this decision with mixed feelings. On one hand, she knew and liked everyone on the reservation and felt at home there, even though there was not much for teenagers to do there. On the other hand, was this just another way to further split up the family? Were they trying to get rid of her? Well, if that was the case, she would not make it easy on them. Sissy did not want to leave her boyfriend and friends anyway. So she and her friends all got together and talked about many plans. They all thought that Sissy's parents were mean and unfair. Sissy ran away again, this time managing to stay away for a couple of weeks because she had a friend to help hide her and to make sure she had food and clothes.

Sissy was finally found by the police as she was wandering around the streets looking for a place to stay. She was again taken into custody by the police and eventually went home to her family. But this time, Sissy was placed on probation by the courts.

Sissy did go live with her grandmother on the reservation. For the first few months her friends from town kept in touch, coming to see her from time to time. Sissy's mother and father never did reconcile, and her brothers continued to have scrapes with the law. But for the time being, Sissy settled down and tried to make sense of what had happened to her life.

LESSON #4

Material Needed

Narrative #4

CRP (if possible)

Time Needed

One class period

Procedure

1. Discuss how meeting her mother's new boyfriend threw Sissy off course again.

2. Sissy and her family were shuffled quite suddenly into a variety of lifestyles, from the familiar and traditional reservation to an unfamiliar inner city high crime area to a high-living, undisciplined environment in a strange city, then back to the reservation. After all that, do you believe her problems were inevitable? Discuss. (This is an effective place to use a CRP. A counselor or judge can participate in this discussion and can offer several suggestions of agencies on and off the reservation and in almost any area of the country where a troubled youth can go to find help.)

SISSY: NARRATIVE #4

The year was now 1969, Sissy had just turned 16 years old. She had been living with her grandmother on the reservation for well over a year. One day Mother came out to visit and with her was a man Sissy had never met before. Mother introduced this stranger as her boyfriend. Of all the things Sissy had imagined that might happen to her parents, never had she thought that either of them would ever have another partner. Sissy was appalled and shocked to think of her parents in this new way. Shock replaced shock when Mother also announced that she and her new friend had plans to move with the entire family to Seattle because there was a lot of work opening up there with Boeing getting a large contract for airplanes. Sissy was afraid to move to this strange new place and was even more afraid to have to go with Mother's new boyfriend, whom Sissy had hated with all her heart as soon as she heard about their relationship. Mother made it clear that Sissy would not have any say in the matter and that they would be moving in a few days.

By Christmas time, Sissy's older brothers and sisters were also living nearby in Seattle with their own families. Everyone had new jobs and life had settled down to a sort of routine. There was much shopping and drinking on weekends. Everyone was making a lot of money. This fast and unrestrained lifestyle soon started to take its toll on members of the family. Husbands and wives were always fighting, Mother and her boyfriend had split up and Mother was seeing a different man.

With everyone so busy with their new jobs and their new lives, there did not seem to be much discipline for Sissy and her younger sisters and brother. Soon they were running all over the city, skipping school at every opportunity and partying. They were becoming adapt at covering up for each other and nobody ever really bothered to check up on them too closely. They soon became fascinated with the hippy movement that was so prevalent in downtown Seattle. After some time, they did not bother to try to hide what they were doing from their family. If an objection was raised as to what they were doing, they would simply disappear for a few days downtown. With their new friends and new way of life, it was easy to find a place to stay.

Soon the youngest brother was gone for longer and longer periods of time. Sissy heard from her friends on the street that he was making trips from Seattle to Los Angeles and bringing in drugs for sale and for his own use. Sissy had started experimenting with marijuana and LSD and enjoyed getting high, but still, somewhere inside her, she felt anxious and concerned about her little brother's activities. One time he was gone for over three months and everyone was worried sick. They went to the police to get help, but at that time kids by the thousands were running away all over America, and there was no way the police could find them all. One day he just returned as if he had never been away. They simply found him asleep in his bed one morning. He had been so stoned for so long that he seemed to have lost track of time.

Other things were happening in the family. Two of Sissy's little sisters were pregnant and unmarried. One of her brothers had lost his first wife and children and had another woman living with him who was also pregnant. Another brother's family was barely staying together. Sissy and her youngest brother were deeply dependent on drugs and alcohol. They were into shoplifting and burglary to support their habits. It seemed that life could not get much more messed up for the family, which was once so close and loving, which had followed the time-honored traditions of their Native American heritage with such pride.

Three years passed. One day Sissy was found on the street barely alive from a drug overdose. She was admitted to the hospital and when she was better, she stayed in the hospital for treatment of her drug and alcohol dependency. Father had come to Seattle and it was decided that the girls would return home with him. Soon other members of the family returned home. Life for the family was not as dysfunctional as it had been in the city. Sissy returned to school and was able to graduate. It took many more years for the rest of her brothers and sisters to get their lives in order, but eventually they all did to some degree. There is still much alcoholism in the family, and Sissy's youngest brother will still smoke marijuana when he gets the chance.

Sissy's own life is better now, but she still remembers.

GAMBLING ON MONTANA RESERVATIONS

Introduction

The following lesson is based on the ever present battle between the state of Montana and the Confederated Salish and Kootenai Tribes over gaming on the reservation. The students will be given information on the issues through lectures and handouts and will be asked to come up with a ruling of their own. Teachers are encouraged to adapt this lesson to the nearest reservation, as the problems encountered are similar. Local newspapers and tribal offices can provide resources.

ILRE Themes

Responsibility, Authority, Privacy, Justice

Concepts

Jurisdiction, conflict resolution, sovereignty, gaming laws, equity, taxation, negotiation

Social Studies Themes

Tradition and Change, Social Contracts, Political/Economic, Space/Place/Movement, Interdependence

Grade Levels

9 - 12

Objectives

- To understand the issues of jurisdiction and sovereignty on American Indian reservations;
- To explore the nature of conflicts between states and Indian tribes;
- To develop the art of compromise for conflict resolution;
- To understand the role the federal government plays in solving disputes between states and the Indian reservations within those states;
- To learn the process of reviewing a case before an appellate court.

Time Needed

Three class periods

Materials Needed

Attached article Lake County Leader, April, 1993

Attached article Lake County Leader, July 29, 1993

Attached article Lake County Leader, August 12, 1993

Tribal Government Today: Politics on Montana Indian Reservations

Indian Gaming Regulatory Act of 1988

CRP (suggest an attorney familiar with appellate court procedures, a tribal attorney, a judge)

Background Information

A disagreement over the share of the profits made from gaming on the Flathead Indian Reservation began as early as 1991. Attorneys for the tribe and the state have sat down at the bargaining table for many long sessions, but have had little or no success getting the situation resolved.

In 1993, due to lack of success in negotiating an equitable settlement with the state, the Confederated Salish and Kootenai Tribes filed a federal lawsuit against the State of Montana and the Attorney General's office.

The issue seems to have two main points of contention. The first involves the jurisdiction of the gambling on the reservation, especially in businesses owned by non-Indians. The second issue deals with revenue gained by gambling on the reservation. The tribes and the state both feel they should have the larger piece of the whole revenue pot.

The impact of the disagreement has been felt reservation wide. Both non-Indian and Indian business owners are losing a large source of revenue due to the inability to resolve the issue. Some businesses have had to close and others are being forced to contemplate closure due to loss of business because gaming machines have been removed from their establishments.

Procedure

1. Introduce the lesson by first talking about the issue of gambling on Montana reservations. Ask the students questions on the topic to get a feel for their previous knowledge of the conflict. You may wish to talk to them about the fact that gaming on Indian reservations is the new economic livelihood for entire tribes in states such as Wisconsin.

2. Hand out articles on the gaming talks between the State of Montana and the tribes of the Flathead reservation, and the articles on the case filed with the U.S. Supreme Court by the tribe. Allow time for students to read.

3. Divide the class into three groups. One will serve as a tribal legal team, the second will serve as a legal team for the State of Montana, and the third group will serve as the U.S. Supreme Court. Depending on class size, you may wish to make the court group larger.

4. Groups for the two sides will begin working on their cases. The Supreme Court group will begin looking into such materials as Tribal Government Today to find the ins and outs of sovereignty and jurisdictional disputes. They should at this time formulate a group of questions they want answered by each side if the oral arguments don't bring this forth. This is a good time to use the CRP to help each group define its task, understand its role and the appellate court procedures, and frame its remarks to anticipate the justices' questions.

5. The hearing section of the exercise will begin with a presentation by the State of Montana, followed by the tribe. No questions will be allowed by the opposing side, much as it is in an appellate court case. Depending on the length of the class period, be sure each group is aware of the time limit for its presentation.

6. Following the presentations, the justices will begin working on their decision, preferably in another room if the school setting allows it. (Some teachers prefer to have the deliberations take place in front of the rest of the class, so they experience that portion of the process.)

7. Upon reaching a decision the court will present it to the class. Discussion of the resulting decision will follow, and further discussion of the entire gaming issue will take place. (This is another place to use the CRP, as they will have expertise to help evaluate the validity of the points discussed and the procedures used.)

Debrief

Students should discuss such questions as: What did each side need to know before it could effectively argue its case? What did the justices need to know before they could hear the case and render a decision? How was the decision reached (i.e. by consensus, compromise, majority, etc.)? What are some of the positive and negative effects of gaming on tribal as well as non-tribal people? Will the positives of tribal income or even state income outweigh the negative societal effects?

✹ INDIAN CULTURAL PRESERVATION (vs ASSIMILATION) ✹

Historically, Indians have been allowed to occupy lands until economic and/or political requisition is mandated.
—American Indian Digest:
Facts About Today's American Indians,
1995 ed. Thunderbird Enterprises, Phoenix, AZ

Introduction

This lesson focuses on the never ending debate over what is more important to American Indians, molding into the white society or maintaining their own tribe's cultural heritage. It allows students to deal with a cultural question that may not have a right or wrong answer. It also allows non-Indian students to see the day-to-day conflict all American Indians have to deal with when trying to fulfill a life in the United States as an Indian.

ILRE Themes

Responsibility, Authority, Privacy, Justice, Spirituality, Environment

Concepts

Cultural heritage, assimilation, racism, poverty, cultural preservation, melting pot, mixing bowl, community/self

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

9 - 12

Objectives

- To enhance the understanding of the concepts of assimilation and cultural heritage;
- To explore the reasons why many Americans feel that assimilation is the way to solve such issues as poverty and racism toward Indians;
- To experience the hearing process as a means of effecting change as a citizen;
- To practice considering multiple viewpoints, solutions, and ramifications of an issue to find a solution;
- To become familiar with the concepts of "melting pot" and "salad bowl" in the discussions involving assimilation or cultural preservation.

Time Needed

Two class periods

Materials Needed

- CRP(s) who has knowledge of efforts to improve understanding of tribal customs and heritage within the tribe
- Indian Education Act of 1972
- Indian Civil Rights Act of 1968
- Indian Reorganization Act of 1934
- The instructor may wish to give a handout or explain the system of mission schools and boarding schools.

NOTE: The above materials can be found in some form in the Appendices or Companion Pieces.

Procedure

1. Begin with an introduction and brief history of American Indians in the 20th Century. This can be a teacher-led introduction or can take the form of handouts or readings.
2. If possible, bring a CRP from tribal government or an elder to explain what efforts are being made to maintain the cultural heritage of Native Americans and, specifically, of their immediate tribe.
3. Divide the class into three groups. One of the groups will develop and present its case for assimilation of Native Americans. A second team will develop and present its case on the importance of cultural heritage for Native Americans. The third team will serve as a panel, hearing the arguments of the two sides and offering its own recommendation. The panel should pose questions and try to draw as much information as possible from the two groups. If the class contains Indians and non-Indians, make sure there is a nice mixture of the students across all three groups.
4. Each side will present its case to the panel while fielding questions from the other group and the panel. Be sure to set a time limit for each presentation and to fit your class schedule.
5. The panel, upon hearing the arguments of both sides, takes the facts into consideration and offers a recommendation.

Debrief

Instruct each student to write a list of what they thought were the strongest points made by each side during the hearing, whether they agree with them or not, followed by stating what recommendation they personally would have made.

Extension Activity

Turn the tables on the class by repeating the lesson, but this time take the approach that the European-descended white people were here first, and the Indian people prevailed and wished to assimilate the whites into the Indian culture and society.

NEGOTIATING A TREATY

Introduction

You and your class have just completed a unit dealing with the conflicts between Indians and whites in the Indian Wars of the late 1800s. It is now time for your class to be divided into two groups to experience just how tough it was to negotiate a treaty with two groups of people so different in culture. Taking into account these differences and using the knowledge your class now has about the events across the United States following the Civil War, have them negotiate a treaty for the movement of Indians onto a reservation.

ILRE Themes

Responsibility, Authority, Privacy, Justice, Spirituality, Environment

Concepts

Restitution, negotiation, treaty, sovereignty

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Global Perspective, Interdependence

Grade Levels

9 - 12

Objectives

- To explore the wide range of issues that had to be considered for negotiations to be successful;
- To understand the severe disadvantage the Indian nations held during negotiations;
- To participate in the negotiation process.

Time Needed

Two class periods

Materials Needed

Hellgate Treaty of 1855

Blackfoot Treaty of 1855

Ft. Laramie Treaty of 1851

CRP (suggest a trained mediator or mediation attorney)

NOTE: The lesson is most effective if at least one of these treaties is made available to students or a lesson on them is presented.

Procedure

1. Following a unit on the Indian Wars, give a handout or a short presentation on the problems the Indians faced with treaties negotiated with and, at times, forced upon them. If your unit on the Indian Wars is thorough enough, you may be able to skip this step.

2. Divide the class into two equal sides. If you have Native American students mixed with students of other ethnic backgrounds, be sure they are evenly divided on both sides.

3. The group representing the American Indian side should prepare its arguments on the premises that they:

   a) Don't want to go onto the reservation;

   b) Want some form of restitution for the loss of land and culture;

   c) Need to be provided with relief since their lifestyle can't be maintained on a limited piece of land.

4. The group representing the federal government needs to justify its treatment of the tribe in question. As a bargaining strategy they need to have some built-in incentives that may coerce the tribe into accepting the reservation with less negotiation.

5. After preparing their cases, they will next meet at a bargaining table and commence with negotiations. The CRP (or the teacher) will act as a mediator to guide negotiations in a positive manner.

6. If a settlement cannot be reached, the teacher needs to establish a suitable time to break off negotiations.

Debrief

Discuss the following questions:

Are the negotiated provisions realistic? (assuming a settlement was reached)

In what ways do you think a settlement could have been reached? (assuming negotiations were broken off)

If you were asked to be a real negotiator for a special group, what kinds of things would you do to prepare?

Extension Activity

As a way to make the lesson even more valuable, the teacher can provide the students with background information about the Hellgate Treaty of 1855, and the Blackfoot Treaty of 1855 or any other treaty involving Indian tribes of Montana. With the above materials, you may wish to have the students re-enact the negotiations of an actual treaty rather than a mock treaty. If so, their task may be to negotiate a better settlement than the original.

REVIEW OF MONTANA American INDIAN CONSTITUTIONS

Introduction

This lesson involves the in-depth study of the constitutions of Montana Indian Reservations. The students will review the different constitutions and try to make judgments on the quality of the documents for their people and whether they contain components that are desired in a sound constitution.

ILRE Themes

Responsibility, Authority, Privacy, Justice

Concepts

Constitutional principles, sovereignty, intergovernment relations

Social Studies Themes

Social History, Social Contracts, Citizenship, Political/Economic, Interdependence

Grade Level

9 - 12 (Best suited for juniors or seniors in courses on civics and government)

Objectives

- To develop an understanding of the basic constitutional principles;
- To explore the relationship between the tribes on the reservations and the federal and state governments;
- To analyze the constitutions and make decisions on the quality of the documents for the people they are written to serve;
- To suggest changes in the constitution and/or the government structure of the tribes to improve tribal government, life for tribal peoples, and relationships with non-Indians.

Time Needed

Four or five class periods

Materials Needed

- Copies of each of the seven tribal constitutions of the Montana reservations
- Copies of the U.S. and Montana State Constitutions
- Copies of books such as Tribal Government Today: Politics on Montana Indian Reservations

Procedure

1. Teach or at least review a unit on basic constitutional principles. Ask students to explain concepts like checks and balances, separation of powers, sovereignty, and federalism.

2. Give students a handout or an oral overview of when and how the tribal constitutions for Montana tribes came about.

3. Divide class into 7 groups of three or four if possible. The best alternative is to have fewer groups if the class is smaller, and omit the review of one of the constitutions.

4. Hand out a copy of a tribal constitution to each group. They should begin their review of the document. Distribute the handout explaining the items to look for including:

   a) Relationship with federal and state government

   b) Basics of constitutional law—checks and balances, separation of powers, popular sovereignty, basic government operations, etc.

5. On the handout (part 4) the students should report on each of those items and also on three items they found to be interesting or unusual. Then, as the main portion of their report, ask them to find one major component of the document they would change in order to improve the constitution.

6. Students report. Students from each group should do their entire report rather than breaking the reports into topical groupings. Other students should be asked to raise questions and then verbally critique the major improvement. This, when done by senior-level high school students, will take two class periods.

Debrief

Discuss what students learned about the document's common components, strengths, and weaknesses. Ask the students what ways they would improve the presentation of this lesson.

✹ THE PLACE OF FALLING WATERS unit ✹

Introduction

This unit for high school students explores in depth the history of Kerr Dam, the conflicts and events before and during its construction, and the ramifications of its presence for Indian and non-Indian. Produced by Indians and presented from an Indian perspective, the video series used in the lesson examine the many laws involved, as well as the economic, political, social, and spiritual effects resulting from the building of the dam.

ILRE Themes

Responsibility, Authority, Privacy, Justice, Spirituality, Environment

Concepts

Culture clash, allotment, sovereignty, private ownership, communal (tribal) ownership, concessions, negotiation

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Political/Economic, Technology, Space/Place/Movement, Interdependence

Grade Levels

9 - 12 (Best suited for 10 - 12)

Objectives

- To explore the cultural, political and economic conflicts that arose as a result of the construction of Kerr Dam on the Confederated Salish and Kootenai Reservation;
- To connect issues, events and perspectives concerning Kerr Dam for better understanding of its impact;
- To examine ways in which American Indians' culture as well as white European culture shaped Montana's history;
- To enhance skills of listening, information feedback, critical thinking, group interaction, and interaction with the physical environment.

Time Needed

6 - 10 class periods, depending on depth of coverage

Materials Needed

VCR and monitor

CRPs (suggest tribal leaders, attorney familiar with issues of sovereignty, environmental expert)

Transportation (if a field trip is possible)

"Take a Stand" signs (see "Where Do We Draw the Line" lesson for instructions)

Procedure

Unlike most of the lessons in the guide, this unit does not specify any particular activities. However, for the lessons to be effective, participatory activities are vital. Teachers may select from such activities as, "Take a Stand," mock public hearings, straw voting, debates, lobbying, panel discussions, interviews of tribal/government/utility officials or private citizens, field trips, comparisons with other current spiritual/political/economic issues, etc.

Also important is the use of CRPs. A host of possibilities exists to make selecting and using CRPs successful. Their contributions will be most valuable if they participate with the students rather than lecture to them.

Debrief

"Take a Stand" on this statement: The ownership, operation, and revenue of Kerr Dam should be turned over completely to the Confederated Salish and Kootenai Tribes. (Be sure to require students to share the reasons for their stands. Also, this could be done in written form.)

Filmstrip Series Presentation: Media Materials

The Place of Falling Waters

This unit is based on three 30-minute videos which consist of Part One: Before the Dam; Part Two: The Road to the Dam; Part Three: The Dam and the Future. The video series presents an historical overview of past, present, and future of Kerr Dam which was built in the 1930s on the Confederated Salish and Kootenai Reservation in Montana.

Part One: Before the Dam: This part discusses the history of the construction of Kerr Dam as it touches upon the cultural and political conflicts among the tribes and non-Indians.

Part Two: The Road to the Dam: This is an historical presentation which follows the time of the Allotment Act through the completion of the Kerr Dam in 1938. Themes in this segment focus on the cultural conflicts resulting from the construction of the dam. One underlying problem facing the Indian people was whether to accept employment in building the dam, poverty being a factor which plagued so many Indian people during this specific time in history.

Part Three: The Dam and the Future: This portion is an historical overview that draws upon the questions in retrospect to the agreement in which Montana Power Company (MPC) was granted control of Kerr Dam for 30 years or until 2015. The MPC is obligated to pay to the Salish and Kootenai an annual "rental fee" of $9,000,000 with adjustments made on an annual basis for the cost of living. In 2015, the tribes have the option to take direct control. Presently, Kerr Dam's net profits are estimated at $50,000,000.

Parts One and Two: The Place of Falling Waters Depicts how the economy and culture have conflicted with sovereignty of the tribes and the traditional way of Indian life. Tribal opposition is steeped in the concepts of two diverse ideologies, those of **capitalism** and **tribalism**. The Allotment Act interfered with the tribal concepts of **communal and tribal ownership** of land. The **Allotment Act** also instilled the concepts of private ownership and competition.

Part Three: The Place of Falling Waters: Draws our thoughts to the future. The tribal leaders' and tribal members' **visions** are interwoven, yet their prevalent views are clearly presented and are interjected with views of the dominant society, for those who believe that tribalism is a concept that has passed through time. However, there are those whose visions of the future see before them native languages revitalized, in which the concept of tribal communal economy is restored.

Video Excerpt/Unit Plan

The purpose of this unit, The Place of Falling Waters, is to present to the students an historical overview of both the cultural and political concerns among the Salish, Pend d'Oreille, and Kootenai tribes as a result of the construction of Kerr Dam.

This unit presentation incorporates the use of the video series, The Place of Falling Waters, a film series developed by Roy Big Crane and Thompson Smith in 1991.

The excerpt from the tape describes The Place of Falling Waters as:

...a Native American produced documentary history of the Flathead Indian Reservation from the perspective of the Indian people who live there. The story relates the complex and volatile relationship between the people of the Confederated Salish and Kootenai Tribes and a major hydro-electric dam situated within the Flathead Indian Reservation.

The documentary is presented in three 30-minute parts: 1) a history of tribal society and culture before the dam's construction; 2) the construction of Kerr Dam in the 1930s and its impact on the reservation; and 3) the hopes and dilemmas of the Salish and Kootenai as they prepare to take over Kerr Dam during the next three decades.

This broadcast quality program combines a powerful mix with interviews with tribal elders, archival newsreel footage of the Flathead Reservation, stunning aerial footage of the region, and some photographs dating to the 19th century.

(Roy Big Crane and Thompson Smith, 1991)

PART ONE: BEFORE THE DAM

1. Hellgate Treaty, 1855
2. Traditional Cultures
    a. Spiritual relationships with the environment
    b. Communal nature of the tribes' economy
    c. The cyclical patterns of food gathering
    d. Values of Salish, Pend d'Oreille, and Kootenai
3. Non-Indian invasion—decline in natural food sources
4. Indians face hostility as they exercised their rights to hunt, fish, and gather outside reservation boundaries (i.e., Swan Lake Massacre)
5. Farming and gardening incorporated in native lifestyles, for survival purposes
6. Jesuit missionaries—cultural and religious indoctrination (1840s) cultural loss impacted by Jesuit policies
7. The Allotment Act
    a. Destroys **communal settlement patterns**
    b. **Cyclical patterns of movemen**t across the land
    c. **Tribal Land Base**
    d. 19th century policy aimed at forcing Indians to relinquish their traditional ways of life
8. Assault on tribes
    a. People never gave up
    b. Never disappeared
    c. Never completely abandoned their cultural traditions
9. Opposing Views
    a. Whites
    b. Indians
    c. U. S. Agents (under Department of War)
10. Opening of the reservation
    a. White settlement onto the reservation
    b. Railroad right of way through the reservation
11. Salish removal from the Bitterroot Valley

PART TWO: THE ROAD TO THE DAM

1. The **Corollary to the Allotment Act**
2. **Flathead Irrigation Project** (Congressman Joseph Dixon)
    a. Transition to farming
    b. Opposition to the Irrigation Project
        1) Harm to pristine creeks of the reservation and abundant fisheries
        2) Opposed non-Indians claiming Eminent Domain over allotment and bisecting them with huge ditches
3. Irrigation Project—who benefits
    a. Due to the Homestead Act, non-Indians "flood" the reservation (1910)
    b. Passage of **Irrigation Bill** (1908)
    c. Irrigation System guarantees successful homestead
    d. Influx of Non-Indians (population changes)
4. Department of Interior—Approval to construct Kerr Dam by MPC to bail out the financially ailing Irrigation Project
5. Allotment Act effects on tribal people
    a. Poverty—dependent on cash for survival
    b. Seek employment
    c. Consumers buy from stores
    d. Alcoholism
    e. Indian people dependent on Bureau of Indian Affairs (BIA)—rations
    f. Diabetes (1938) first case of Indian diabetic due to change in diet
    g. The **Dark Time** (20th Century—1938)
        1) Indian people denying their heritage
        2) Indian people change their names
        3) Indians pass as white
    h. Humor and survival
6. Montana Market Economy—two industrial giants
    a. Anaconda Copper Mining Company
    b. MPC (Rocky Mountain Power Company)

c. Montana Economy and Political Systems

d. RMPC, BIA federal license to build the dam despite opposition from the tribal government

e. John Collier's **American Indian Defense Association** (tribal concessions to gain control of the dam in the 1980s)

7. The Place of Falling Waters

   a. Kootenai sacred place—the falls of Flood River

   b. Implement fishing rights

   c. Employment—200 tribal members take jobs at $.45/hour at time of depression

PART THREE: THE DAM AND THE FUTURE

Tribal control of the dam—What does this resource mean for the Confederated Salish and Kootenai Tribe?

1. Other tribes gain control of resources

   a. Navajo—coal and uranium

   b. Northern Cheyenne and Crow—coal

2. Change as a result of control of a powerful resource—Kerr Dam

   a. Restore tribal sovereignty

      1) tribal economy

      2) buy back tribal lands

   b. Restore political and economic control to the tribes

   c. Restoration of cultural way of life, that of tribalism

✹ Where Do We Draw the Line? (9-12) ✹

Carvings and Graffiti: Vandalism, Art to Tradition?

Introduction

This lesson explores the controversy over whether graffiti on public or private property should be considered a form of art (sometimes with a religious purpose) or a form of vandalism. The U.S. Constitution protects genuine art as free expression, but also protects privacy and property from violation. Through an examination of symbols from several historical periods, various cultures and their own environment, students will practice determining the differences between graffiti art and vandalism. At the same time, they will practice reaching consensus and viewing ideas and events through different perspectives.

ILRE Themes

Authority, Environment, Justice, Responsibility, Environment

Concepts

Vandalism, consensus, tradition, freedom of expression, property rights

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Citizenship, Political/Economic, Technology, Interdependence

Grade Levels

9-12 (Adaptations for K-2, 3-5 and 6-8 are also available)

Objectives

- To explore uses of symbols in various societies;
- To learn to differentiate between carving and graffiti-type art (free expression) and vandalism;
- To recognize that responsibilities of citizenship must often take precedence over personal whims;
- To consider appropriate alternatives to vandalism;
- To practice reaching consensus.

Time Needed

Three to five class periods, depending on students' previous knowledge

Materials Needed

- Handout: "Where Do We Draw the Line?"
- Book: And Still the Turtle Watched by Sheila MacGill-Callahan
- Pictures, slides, posters of hieroglyphs, petroglyphs, other symbols from many cultures (crosses, Star of David, swastika, military symbols, school mascots, cave paintings, tipi decorations, business logos, trademarks, etc.)

- CRPs: Suggest an archaeologist to discuss vandalism laws concerning historical sites; tribal historian to discuss tribal symbols; business person to discuss results of vandalism; youth court officer to discuss local laws and probable consequences of breaking them
- Butcher paper, markers and tape
- Four symbol pictures (cut into correct number of puzzle pieces to create four equal groups)
- Four consensus questions
- Take a Stand" signs posted on the wall (signs should say "strongly agree," "agree," "undecided," "disagree," and "strongly disagree")

Procedure

Phase 1

1. Show pictures of cave paintings, petroglyphs, cultural symbols to class, explaining briefly what historians think they meant to the people who used them. Be sure to make the point that symbols are frequently used as a type of code, means of communication or part of a ritual.
2. Write the definition of graffiti on the board. (Graffiti is writing or drawing on a surface such as a wall or a rock.) Ask students to give examples of graffiti that they've seen. What kind of carved graffiti have they seen? List these examples on a piece of butcher paper. Then write the definition of vandalism on the board. (Vandalism is destroying or ruining the appearance of public or private property.) Ask the students which of their examples might be considered vandalism. Circle those. Discuss as a group why they chose those examples as vandalism. Keep the lists for a later activity.
3. Stress that, while vandalism is against the law, and graffiti can be one kind of vandalism, graffiti can also be considered a kind of folk art. Some communities set aside fences or walls for "legal graffiti," and some hire artists to draw, paint or carve murals or symbols on certain properties. Because these artists have permission, the graffiti they put on these surfaces is not illegal. What types of "legal graffiti" have your students seen? (Magazines such as Smithsonian, Native Americans, Architecture Digest, National Geographic often have pictures about mural, symbolic and "graffiti" art.)
4. Divide the class into four groups by handing each student a puzzle piece and instructing them to find the other people who can make their symbol complete. NOTE: Be sure to have exactly the right number of pieces to complete all puzzles and include all students. In case of absences, be prepared by having extra puzzles cut into 3, 4 or 5 pieces, or you can fill in the missing piece.
5. Give each group a consensus question. Tell them they must reach consensus on their question and be prepared to report back to the entire class. Allow 10 minutes for reaching consensus. (Be sure your class understands that consensus means everybody: **majority** is different—it means "one more than half.") Remind them that consensus does not necessarily mean they all feel strongly in agreement, but that they have reached a compromise that they can all live with.

6. Have each group report to the class. Discuss the reasons why they think the answers were different and/or similar. What attitudes or thoughts about the school would each group of people have had (i.e., the students, faculty, parents, students of the rival school)?

Debrief

What did the students think about the decisions made in the last activity? Would they find any of the graffiti to be rude or distasteful? Which ones and why?

Phase 2

1. Review the definitions of "graffiti" and "vandalism."

2. Read aloud the book And Still the Turtle Watches by Sheila MacGill-Callahan without showing the pictures. Be sure to practice so you can almost tell the story! (If you feel your students won't appreciate having a juvenile book read to them, set up Extension Activity #5 below for them to do after they "practice" with this lesson.)

3. Hand out "Where Do We Draw the Line?" Read the instructions and questions aloud so all students understand them. Instruct students to individually answer questions as you read the story again, this time showing the pictures. Allow time to finish the questions after you end the story.

4. This is a good place to use a CRP to help students evaluate their answers to the questions and to present other perspectives, viewpoints and legal issues.

5. If a CRP is not available or after the CRP is gone, have students "Take a Stand" on this statement: "Students should be allowed to carve or permanently mark their names on their desks, chairs, and books." Have them write their choice on a slip of paper, fold it, place it in a basket. Then have each student draw a slip and stand in front of the sign indicated on the slip. (Or dispense with the slips and have each student take his/her own stand.) They need to have thought about all sides of the issue, because now they must say why they think the person whose slip they drew answered as they did. The groups under the signs, if in lines, should form a human graph. To show how people's opinions can change when they hear different perspectives, give them the following directions: "Now that you've heard other sides of the issue, reconsider your own stand. Move to the sign which corresponds to the stand you would now take."

Debrief

Ask the students if they now consider the acts listed in the "Take a Stand" question as vandalism and, if so, what can be done about it. Remind them that in public schools, tax dollars pay for the equipment and for repairs, so the law considers desks, chairs and books as public property. What might be considered "legal graffiti" in a school?

Would the early Delaware have considered the turtle carving to be vandalism? Why/why not? Why do we now have laws to keep us from vandalizing things? Referring to their original list of vandalism/graffiti, what would they change or add? Do you think modern Delaware people care about what happened to the turtle carving? Why?

Extension Activities

1. Referring to And Still the Turtle Watches, divide the class into three groups for an "adversary approach" activity. One group represents the Delaware Tribe who want the turtle rock returned to the tribe; another group represents the botanical gardens where the rock is now displayed; the third group are judges who must decide the issue of who gets the turtle rock. (See the instructions for "Adversary Approach" in Appendix.)

2. Using what students have learned about symbols, have them individually or in groups develop a code using symbols. Then have them compose a sentence, put it into code, and swap sentences with another student or group who will attempt to decode and translate the sentence. To make it easier, require all sentences to include the same key work, such as "the" or "so" or "many."

3. Using some of the questions from the"Where Do We Draw the Line?" worksheet, have students "Take a Stand." When students are in their respective lines, they should share their three reasons for their stand. One person in each group ("agree," "disagree," etc.) should act as the spokesperson to persuade other individuals to change their stand. As students do change their stand, they move to the line that reflects their new choice, and they may share their reasons for changing. Be sure students watch the "graph" to see how opinions change and sometimes, how minorities can become majorities when they listen to different viewpoints on the same issue.

4. Have the class design a mural using symbols. Then have them choose a delegation to request permission from the administration to either recreate the mural on the sidewalk with chalk or on the snow with spray bottles filled with water and food coloring. If you're very persuasive, you might be allowed to paint the mural on a prominent wall of the school. You might want to enlist the help of the art teacher, and don't forget to have the students dress in old clothes for the project if it's approved! This becomes legal graffiti.

5. Have a group of students present this lesson (see its variation elsewhere in this guide) to a primary class.

Where Do We Draw the Line?

In the story And Still the Turtle Watched by Sheila MacGill-Callahan, at least five human-caused changes are made to a large rock. Where do we draw the line between which should be considered vandalism and which should not?

For each question below, take a stand by circling your level of agreement or disagreement. Then briefly state three reasons to support each stand.

1. The old man's carving of the turtle should be considered vandalism of public property.

Strongly agree Agree Undecided Disagree Strongly disagree

Reasons:

1._____
2._____
3._____

2. The loggers' harvesting of the surrounding forests should be considered vandalism.

Strongly agree Agree Undecided Disagree Strongly disagree

Reasons:

1._____
2._____
3._____

3. The boys' painting of graffiti on the turtle rock should be considered vandalism.

Strongly agree Agree Undecided Disagree Strongly disagree

Reasons

1._____
2._____
3._____

What's Your Opinion? Where to you think turtle rock should have been placed? Why?

_____
_____
_____
_____

Consensus Questions

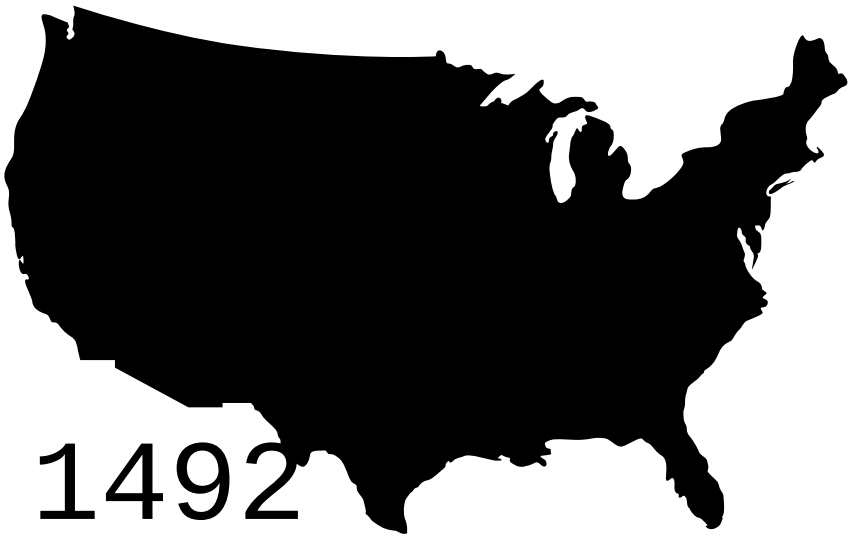
1. The students in your group have been asked to create and decide on either three symbols or three scenes of activity to be included in a graffiti mural depicting the people and culture of your school. You need to create several ideas and come to a consensus on three.

2. The faculty in your school has been asked to create and decide on either three symbols or three scenes of activity to be included in a graffiti mural depicting the people and culture of your school. Pretend you are the faculty and create several ideas, then come to a consensus on three.

3. A group of parents in your school has been asked to create and decide on either three symbols or three scenes of activity to be included in a graffiti mural depicting the people and culture of your school. Pretend you are that group of parents, create several ideas, then come to a consensus on three.

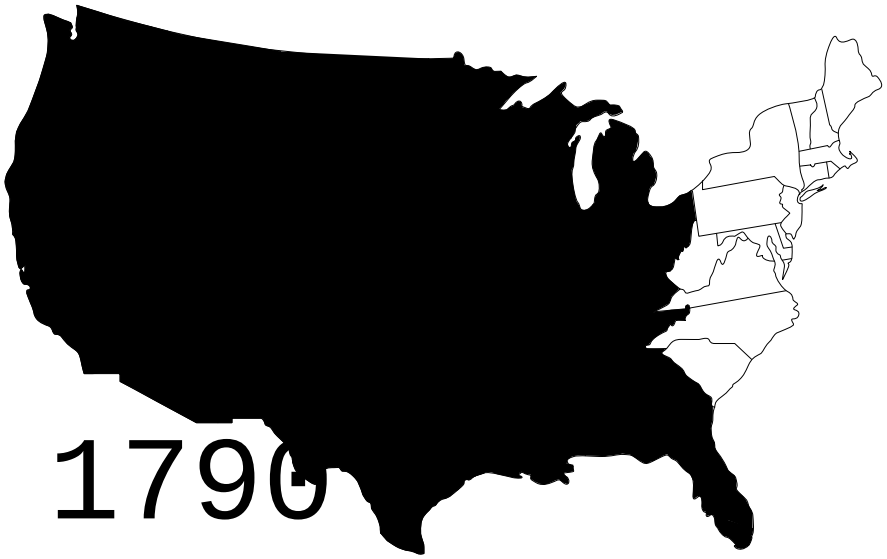
4. A group of students in a rival school has been asked to create and decide on either three symbols or three scenes of activity to be included in a graffiti mural depicting the people and culture of your school. Pretend you are that group of students, create several ideas, then come to a consensus on three.

Reference Maps

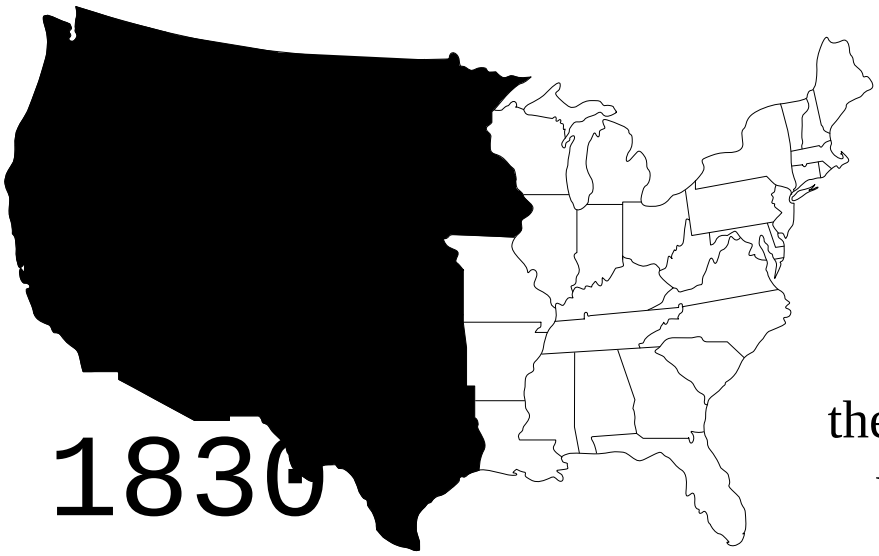


1492

By 1790, the population of the United States was 4 million.

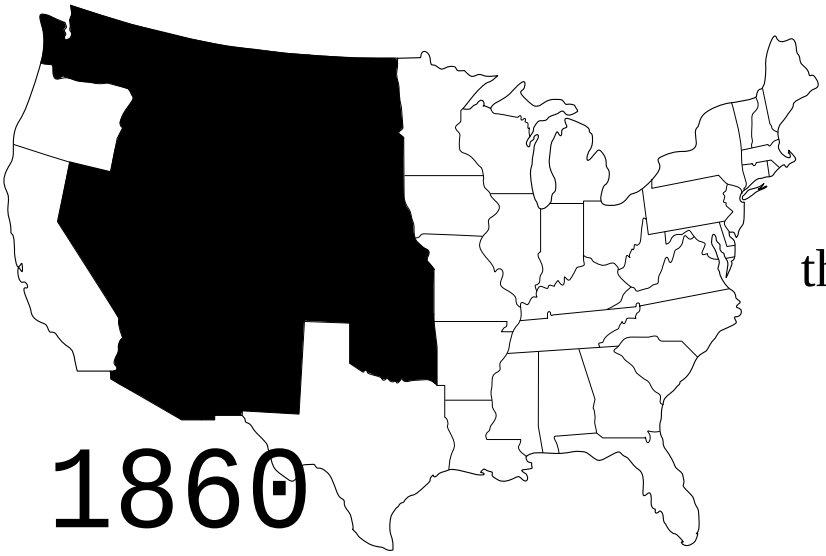


1790



1830

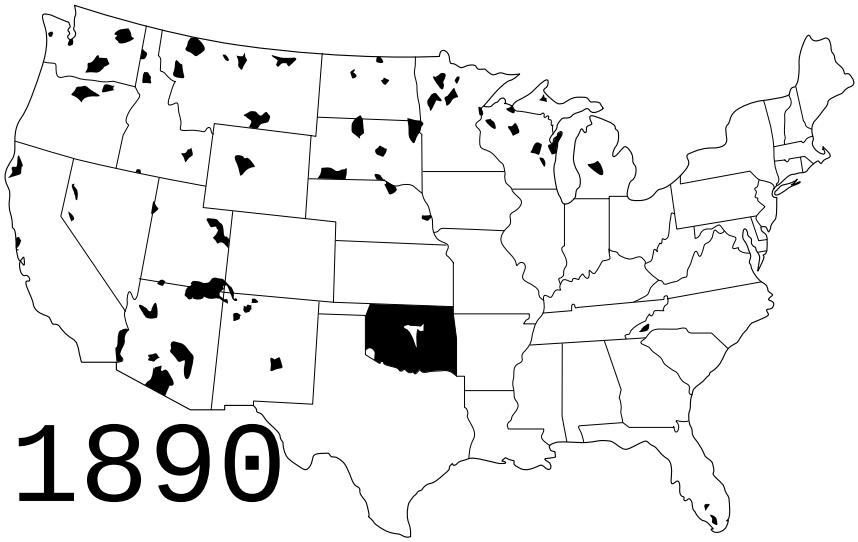
By 1829, the population of the United States was 12.5 million.



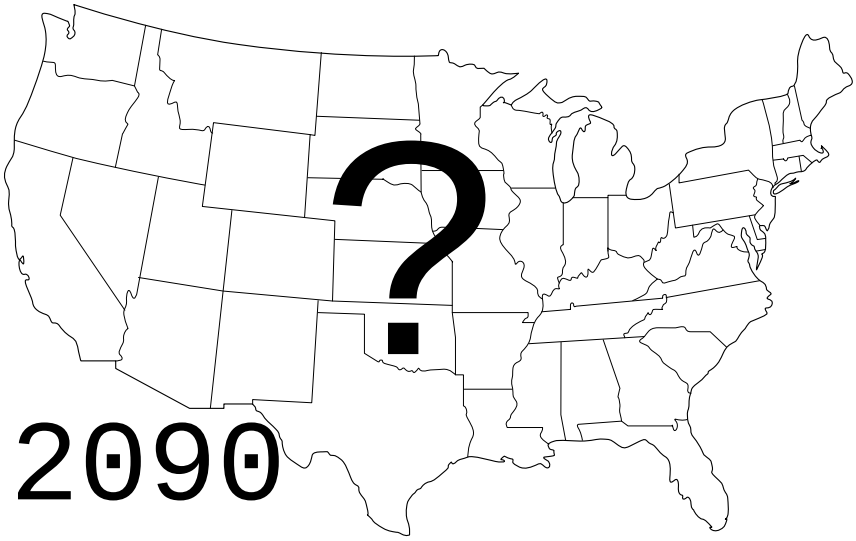
1860

By 1860, the population of the United States was 31 million.

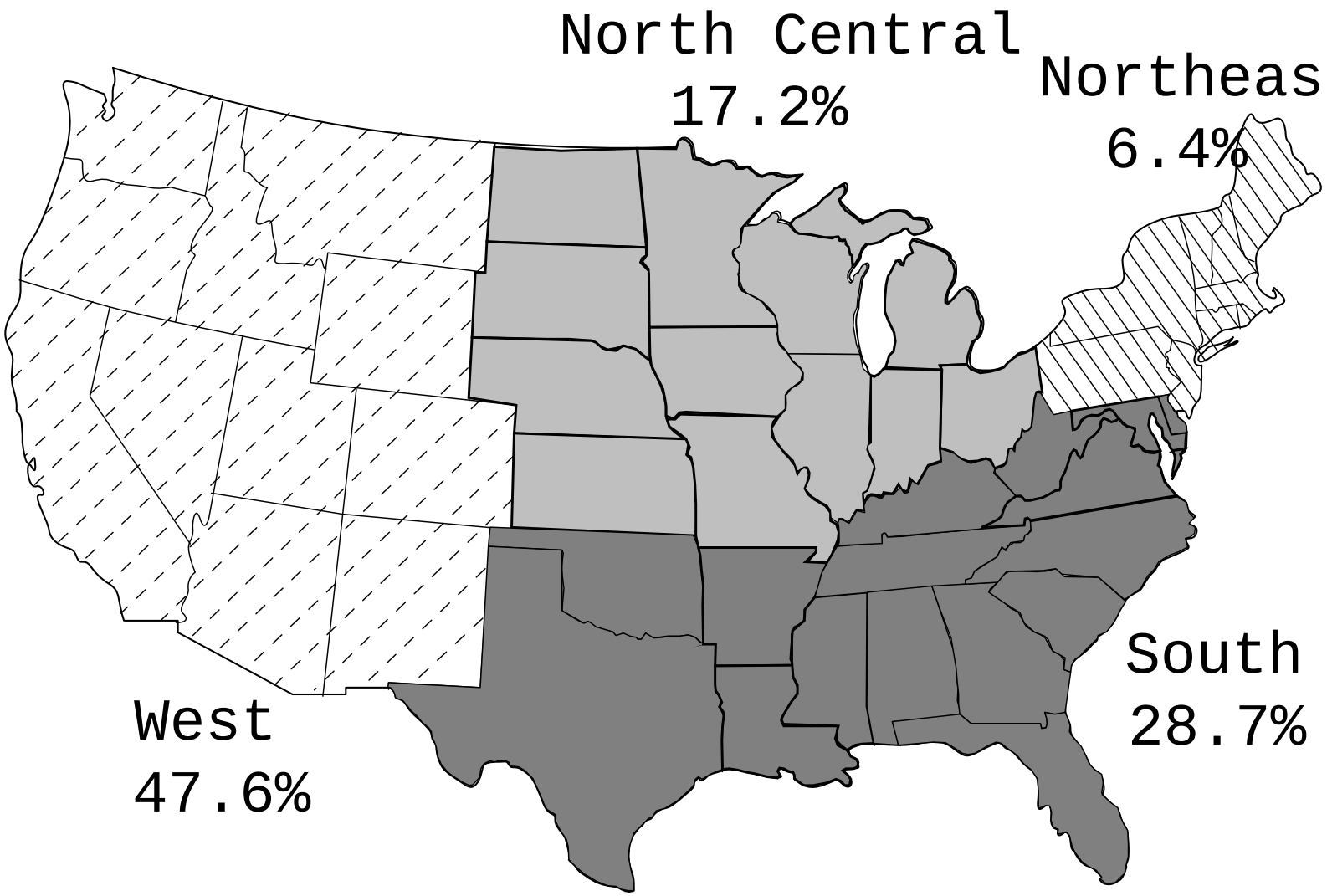
By 1890, the population of the United States was 63 million.



1890

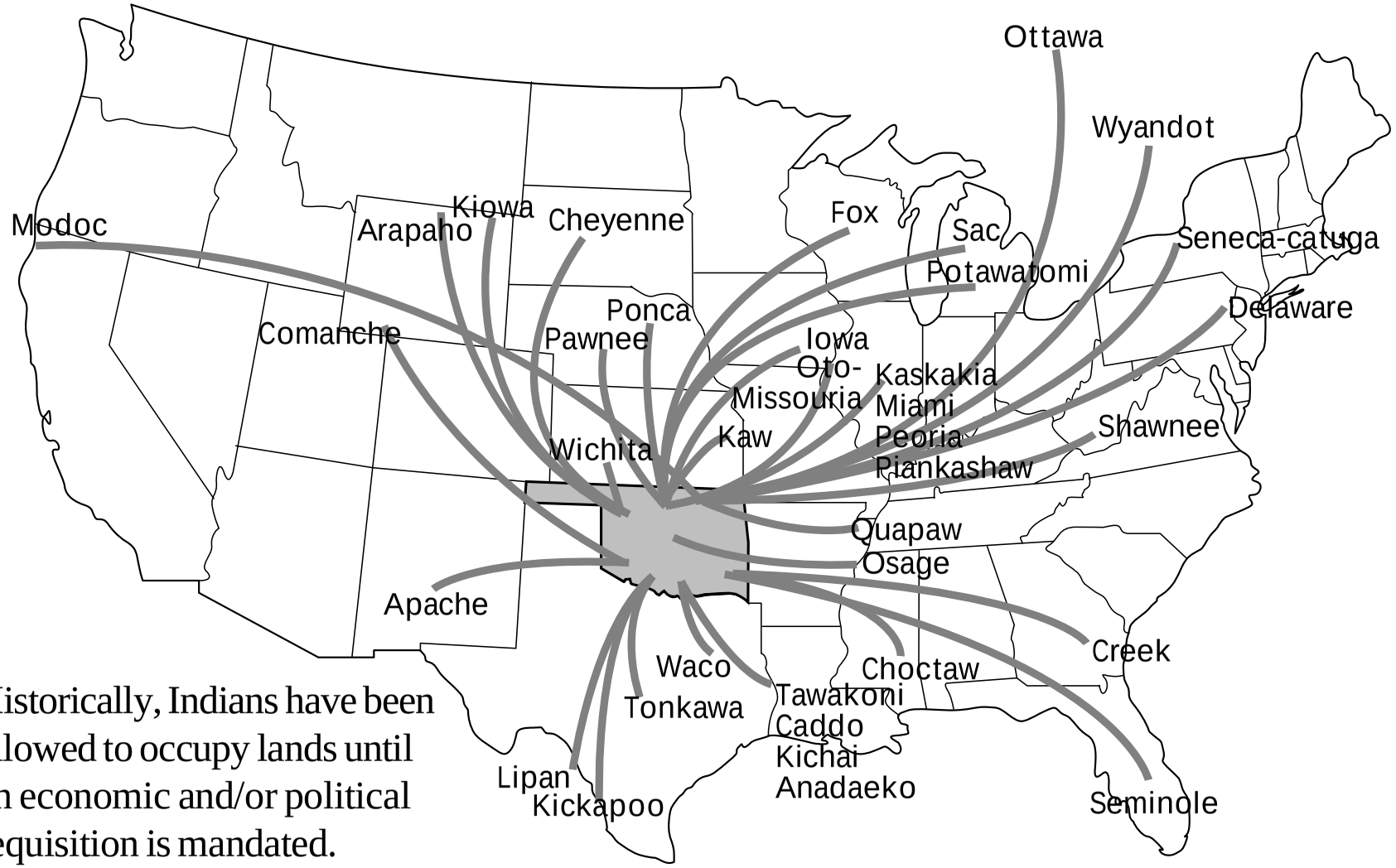


2090



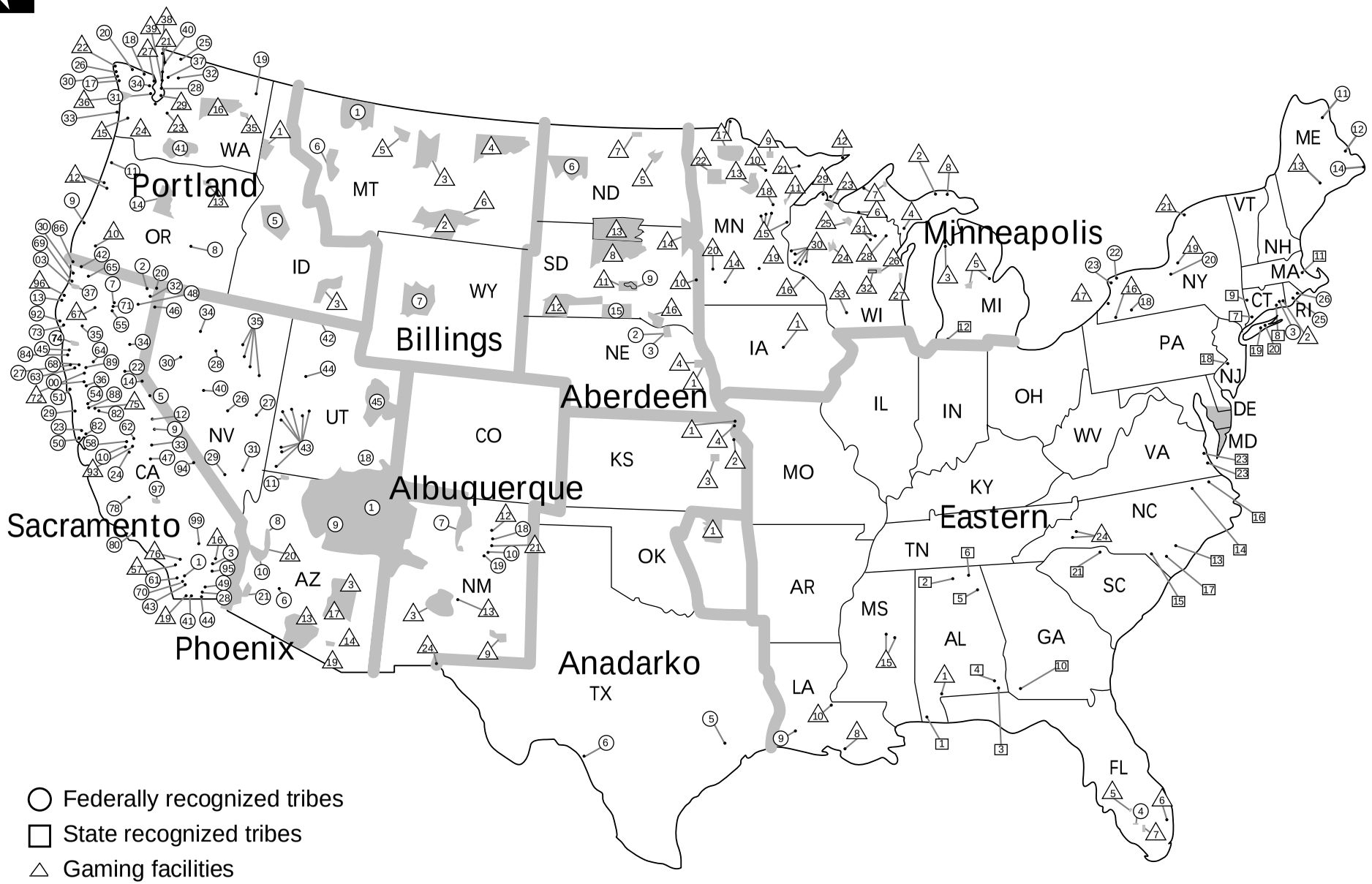
National Distribution of Native A

Oklahoma Indian Relocation History



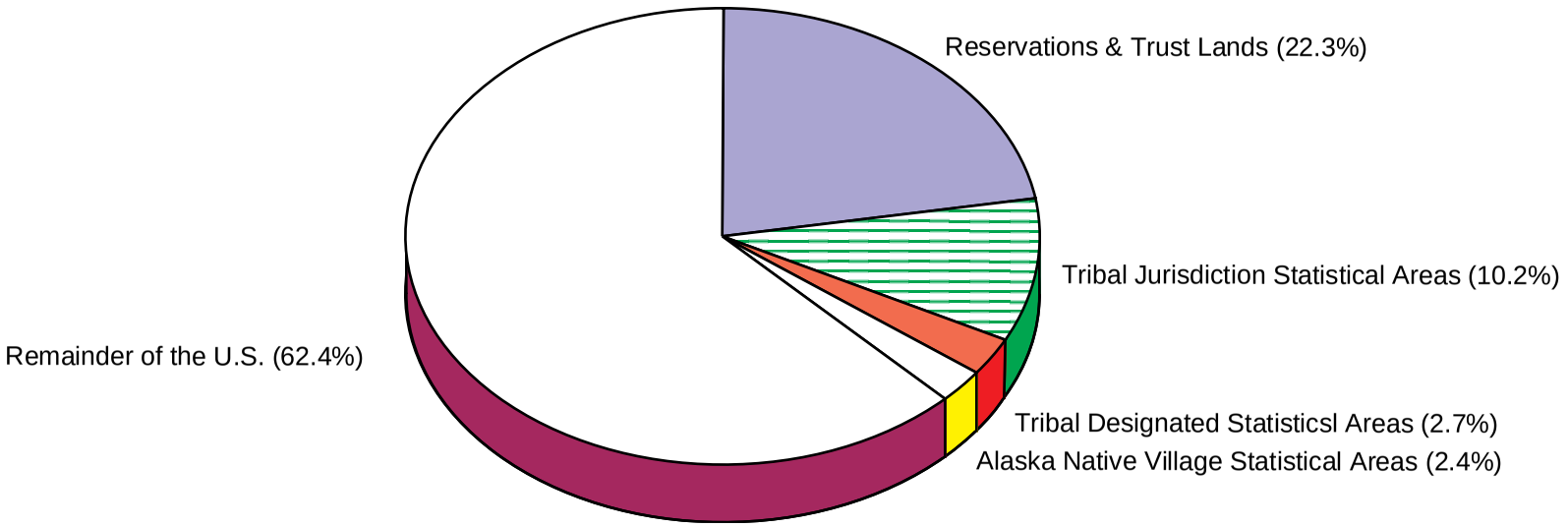
Historically, Indians have been allowed to occupy lands until an economic and/or political requisition is mandated.

American Indian Reservations



American Indians, Eskimos, and Aleuts by Type of Area: 1990

(Percent Distribution)



Total American Indian, Eskimo, and Aleut Population = 2.0 million

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Other Possible Resource Choices for School Library Media Centers and Classroom Libraries

This list is not meant to be all inclusive. The curriculum writing team recommends that all books listed or to be purchased be reviewed to determine appropriateness for your school. When in doubt as to whether material is approprite or accurate, check with the resource evaluation guide that is a companion piece to this document. Tribal libraries are also good sources to use when seeking information as to possible resources.

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Glossary

Aboriginal: Original; indigenous; native to a particular region.

Abrogation: The action of terminating a treaty or international agreement.

Acculturation: The process of adopting the cultural traits or social patterns of another group. The result of this process.

American Indian Movement (AIM): Militant Indian organization established in Minneapolis, Minnesota, in 1968. Originally founded to assist urban Indians, the organization broadened its purpose to include protesting the denial of Indian treaty rights, land rights, and social welfare.

American Indian Religious Freedom Act: Passed in 1978, this act begins to restore to tribes and tribal members their religious freedom afforded all other citizens by the Constitution. This includes the right to use and possess sacred objects, and the freedom to worship through ceremonials and traditional rights.

Appellate Court (tribal): Theses courts have recently been developed by many tribes. In many tribes, panels of judges are assembled ad hoc for each appeal. In others, judges from other tribes are used. These courts have the power to review the judgment from another tribe.

Articles of Confederation: Document adopted by the Second Constitutional Congress on November 15, 1777, and ratified by all states in 1781. Modeled on the structure of the Iroquois League, the articles served as the framework of the U.S. government until the Constitution was adopted in 1789.

Assimilation: The absorption of a minority culture group into the main culture body.

Band: Part of a tribe.

Blood Quantum: A term used to identify the percentage of tribal heritage. Various federal Indian laws and tribal enrollment requirements typically require a certain minimum percentage of Indian blood. For example, some laws require a 25 percent (1/4) blood quantum.

Bureau of Indian Affairs (BIA): Agency within the U. S. Department of the Interior responsible for administrating the U. S. government's relationships with Indian governments and for overseeing Congress' trust responsibility for Indian lands and existence.

Cession: The ceding or yielding of rights, property, territory from one group or person to another.

Clan: Individuals sharing the same lineage; American Indian clans are usually represented by an animal totem.

Clan Mother: Eldest female member of a clan, serves as the clan leader in a matriarchal society.

Citizenship Act, 1924: An act passed by Congress which recognized citizenship status of American Indians in the United States.

Communal: Belonging or shared by the community.

Communal Ownership: Land ownership as practiced by American Indian tribes; title was vested in the tribe rather than an individual.

Confederacy: A league or alliance for mutual support, aid, and common action.

Dawes Allotment Act: Also known as the General Allotment Act of 1887, this act required that communally held reservation lands be allotted to individuals for ownership.

Discovery Doctrine: When a nation discovers land unknown to it in the past, that nation may acquire ownership of the land, but not control of the people living on the land.

Eagle Protection Act: Indian tribes are given permission to use eagle feathers for religious purposes.

Education Assistance Act of 1975: This act authorized the Secretaries of Interior and Health, Education, and Welfare to enter contracts under which the tribes themselves would assume responsibility for the administration of federal Indian programs.

Enumerated Powers: Powers specifically listed in a constitution and granted to specific parts of a government.

Executive Order: A direction or order from the president of the United States.

Federal Enclaves Act of 1817: (General Crimes Act) One of the most important federal criminal statutes applicable in Indian country. Its primary present function is to provide for prosecution of crimes by non-Indians against Indians and of non-major crimes by Indians against non-Indians.

Federally Recognized Tribes: Tribes with whom the federal government maintains an official relationship, usually established by treaty, congressional legislation, or executive order.

Fee Patent Land: Land that is held in ownership by either Indians or non-Indians and is subject to state and local taxes.

Five Civilized Tribes: Name given by the Whites to the Cherokee, Choctaw, Chicksaw, Muscogee, and Seminole tribes from the southwest due to their adoption of certain European practices such as a written language, written constitutions, and schools.

Full Faith and Credit: Shall be given in each state to the public acts, records, and judicial proceedings of every other state. This does not necessarily apply to the judgment of tribes, however, the Supreme Court has noted "in some circumstances" that tribal court has been entitled to full faith and credit.

General Council: Supreme governing body of some tribes; traditionally composed of all adult members of the tribe.

The General Crimes Act: This act states that the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States shall extend to Indian Country except as otherwise expressly stated by law. This does not include offenses committed by one Indian against the person or property of an other Indian.

Government-Government Relationship: Relationship that exists between federally-recognized tribes and the federal government. Implicit in the relationship is a recognition of tribal sovereignty and the U. S. government's obligation to protect tribal lands.

Hunting and Fishing Rights: The establishment of a reservation by treaty, statute, or agreement included, for tribal members, the implied right to hunt and fish free of regulation by the state on their reservation. Tribes, by treaty, may also reserve rights to hunt and fish off the reservation without state-controlled licensing fees or season regulations.

Indian Child Welfare Act: This act, passed in 1978, gives authority over all Indian child custody proceedings unless parents expressly request state jurisdiction. The purpose of the act is to protect the rights of the Indian child in custody and adoption proceedings.

Indian Citizenship Act of 1924: Congress passed a statute conferring citizenship upon all Indians born within the United States. This unique citizenship meant that they didn't have to relinquish their right to membership in their tribe when they became U.S. citizens.

Indian Civil Rights Act of 1968: This act extended the provisions of the Bill of Rights to reservation Indians, ruled that the states could not assume law and order jurisdiction on reservations without the consent of the tribes, and restricted tribal governments in the same way federal and state governments are restricted. (See appendix for entire Act.)

Indian Claims Commission Act: Established by Congress in 1946 to hear suits from tribes suing for lands lost or illegally taken. It awarded $800 million to tribes.

Indian Country: Land on which Indian laws and customs and federal laws relating to Indians govern.

Indian Financing Act of 1974: This act establishes a revolving loan fund to aid in the development of Indian resources.

Indian Reorganization Act (IRA): Also called the Wheeler-Howard Act (1934), the IRA was formulated largely by John Collier, commissioner of Indian Affairs, and was aimed at strengthening tribal governments and restoring tribal lands.

Indian Self-Determination Act of 1975: This act allows tribes to administer all federal programs on the reservation. It also allows tribes to structure themselves in whatever way they see fit, rather than as set forth in the Reorganization Act of 1934.

Indian Water Rights: (See Reserved Rights Doctrine.)

Johnson-O'Malley Act (JOM): Passed in 1934, this act provided supplementary funds to local school districts for improvement of Indian education.

Jurisdiction: The limit or area of one's authority. The court's authority to hear cases.

Matrilineal: System of social organization in which families are mother-centered. Descent and property devolve through the female line.

Matrilocal: Requirement in some societies that a married couple live with the wife's mother.

Meriam Report: A survey of Indian affairs commissioned by Congress and issued in 1928. The report detailed the deplorable conditions in which many Indians lived and called for reforms.

The Major Crimes Act: This act states that any Indian committing against the person or property of another Indian or other person any felony crime such as murder, manslaughter, kidnapping, maiming, etc., within Indian Country shall be subject to the same law and penalty as all other persons committing the same offenses within the exclusive jurisdiction of the United States.

Manifest Destiny: Popular view held during the 19th century that the American mission was to expand its territorial limits to the Pacific Coast.

Nation: A stable, historically developed community of people who share territory, economic life, distinctive culture, and language.

National Congress of American Indians (NCAI): Organization of tribal leaders formed during the 1940s to lobby for protection of Indian rights and culture.

National Indian Youth Conference: Organization formed by tribal youths in 1961 to provide Indian youths with a voice in Indian reform.

N**onrecognized Tribe**: Tribe that does not maintain a government-government and trust relationship with federal government and does not, in general, receive government services and recognition of its land base or sovereignty.

Nuclear Family: Kinship group consisting of a father, mother, and their children.

Patrilineal: System of social organization in which families are father-centered. Descent and property devolve through the male line.

Patrilocal: Social requirement that a married couple reside with the husband's father's clan.

Plenary Doctrine: Doctrine stating that the federal government has unlimited governmental control and jurisdiction over Indian tribes.

Pow-Wow: An American Indian gathering where dancing, singing, games, and celebration take place.

Public Law 280: Passed in 1953, this law authorized states to assume responsibility for law and order in Indian areas. Indian consent was never mentioned. In addition, P.L. 280 provided that any other state could assume such jurisdiction by statute or state constitutional amendment. Several states assumed partial or total jurisdiction pursuant to this authority. Over the Flathead Reservation, the state of Montana has limited criminal jurisdiction and was later granted, by tribal consent, jurisdiction over certain domestic relations issues.

Relocation: Federal policy formulated in 1952. Indians were relocated from rural and reservation areas to urban areas for job training and employment.

Removal Act: Act passed by Congress in 1830 authorizing the president to negotiate with Eastern tribes for their removal to lands west of the Mississippi River.

Reservation: Lands reserved for tribal use.

Reserved Rights Doctrine: Summarized characteristics: These rights are through federal law. The establishment of a reservation by treaty, statute, or executive order includes implied reservation of water rights in sources within or bordering the boundaries of the reservation. These rights are reserved from the date of reservation creation giving Indians water rights over non-Indians with later appropriation dates. The quantity of water reserved for Indians is the sufficient amount needed to irrigate all practically irrigable acreage of the reservation. These rights are not lost due to nonuse.

Retrocession: Procedure by which states can return to tribes the jurisdictional powers they gained under Public Law 280.

Self-determination: To make decisions about yourself, to run your own affairs. Self-determination of the American Indian tribes recognizes that it is the tribe's duty and right to govern and make decisions regarding tribal members. (See Indian Self-determination Act.)

State-recognized Tribes: Tribes that are not usually federally recognized but maintain a special relationship with their state government and whose lands and rights are recognized by the state.

Sovereign: Supreme in power or authority. Politically, a sovereign nation is one which is independent of control by other nations.

Sovereignty: The status, dominion, rule, or power of a sovereign.

Sun Dance: An annual renewal ceremony observed by the Lakotas and other Plains tribes. The traditional Sun Dance included self-torture by warriors to benefit the nation's spiritual state.

Tax Exemption: All Indians pay federal taxes. Indians who live and work on their own reservation do not pay state taxes. Indians who live on their reservation but work off their reservation pay taxes on that income. Indians who do not live on their reservation pay state taxes.

Terminated Tribes: Federal Indian policy during the 1950s that sought to end the federal government's relationships with Indian tribes as prescribed under House Current Resolution 108.

Termination: Federal Indian Policy during the 1950s that sought to end the federal government's relationship with Indian tribes as prescribed under House Concurrent Resolution 108.

Treaty: Formal agreement between two or more nations, relating to peace, alliance, trade, etc.

Tribal Sovereignty: A tribe is a distinct political community. Only Congress has the authority to limit or abolish tribal powers. No state may impose its laws on the reservation.

Tribe: A group of individuals bound together under ancestry, kinship, languages, culture, and political authority.

Trust: Property held by one person for the benefit for another.

Trustee: Person to whom another's property, or the management of that property, is entrusted.

Trusteeship: Term referring to the federal government's legal obligation to protect tribal land, resources, and existence.

Wampum: Small beads made of shells; used by tribes of the northeast as money.

Wampum belts: Red, white, purple and black shells woven into belts and used by tribes of the northeast as symbols of peace and war, and international messages.

Wardship: Refers to the federal government's responsibility as trustee over Indians as carried out primarily by the Bureau of Indian Affairs.